

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2009

TWELFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 16, 2009

The House of Representatives convened at 1:00 p.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Gene Leiter, Red Oak Grove Lutheran Church, Austin, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Doepke	Hilty	Liebling	Norton	Simon
Anderson, P.	Doty	Holberg	Lieder	Obermueller	Slawik
Anderson, S.	Downey	Hoppe	Lillie	Olin	Slocum
Anzlec	Drazkowski	Hornstein	Loeffler	Otremba	Smith
Atkins	Eastlund	Hortman	Loon	Paymar	Solberg
Beard	Eken	Hosch	Mack	Pelowski	Sterner
Bigham	Emmer	Howes	Magnus	Peppin	Swails
Bly	Falk	Huntley	Mahoney	Persell	Thao
Brod	Faust	Jackson	Mariani	Peterson	Thissen
Brown	Fritz	Johnson	Marquart	Poppe	Tillberry
Brynaert	Gardner	Juhnke	Masin	Reinert	Torkelson
Buesgens	Garofalo	Kalin	McFarlane	Rosenthal	Urdahl
Bunn	Gottwalt	Kath	McNamara	Rukavina	Ward
Carlson	Greiling	Kelly	Morgan	Ruud	Welti
Champion	Gunther	Kiffmeyer	Morrow	Sailer	Westrom
Clark	Hackbarth	Knuth	Mullery	Sanders	Winkler
Davids	Hamilton	Koenen	Murdock	Scalze	Zellers
Davnie	Hansen	Kohls	Murphy, E.	Scott	Spk. Kelliher
Dean	Hausman	Laine	Murphy, M.	Seifert	
Demmer	Haws	Lanning	Nelson	Sertich	
Dettmer	Hayden	Lenczewski	Newton	Severson	
Dittrich	Hilstrom	Lesch	Nornes	Shimanski	

A quorum was present.

Anderson, B.; Benson; Cornish; Dill and Kahn were excused.

Wagenius was excused until 2:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Koenen moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

The House of Representatives recessed to hear the "Gettysburg Address" by former President Abraham Lincoln as portrayed by costumed historical interpreter Bryce Stenzel.

RECONVENED

The House reconvened and was called to order by the Speaker.

IN MEMORIAM

The members of the House paused for a moment of silence in memory of former Representative Sidney R. Mason of Duluth, Minnesota, who served from 1971-1972 and former Representative Dennis R. Newinski of Maplewood, Minnesota, who served from 1991-1992, both of whom recently passed away.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 130, A bill for an act relating to public safety; prohibiting predatory offenders required to register from accessing and using social networking Web sites; amending Minnesota Statutes 2008, sections 243.166, subdivisions 1a, 4; 244.05, subdivision 6.

Reported the same back with the following amendments:

Page 5, line 1, after the first comma, insert "or" and delete the second comma

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 139, A bill for an act relating to domestic abuse; designating October as domestic violence awareness month in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 10.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 250, A bill for an act relating to public health; protecting the health of children from toxic chemicals in products; requiring disclosure by manufacturers of children's products that contain chemicals of high concern; authorizing the Pollution Control Agency to designate priority chemicals of high concern and require replacement with safer alternatives; providing an exemption process; authorizing participation in an interstate clearinghouse; requiring reports to the legislature on implementation plans and comprehensive safe products framework; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116.9401] DEFINITIONS.

(a) For the purposes of sections 116.9401 to 116.9412, the following terms have the meanings given them.

(b) "Agency" means the Pollution Control Agency.

(c) "Alternative" means a substitute process, product, material, chemical, strategy, or combination of these that serves a functionally equivalent purpose to a chemical in a children's product.

(d) "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation, or metabolism.

(e) "Chemical of high concern" means a chemical identified on the basis of credible scientific evidence by a governmental entity or the United Nations' World Health Organization as being known or suspected with a high degree of probability to:

(1) harm the normal development of a fetus or child or cause other developmental toxicity;

(2) cause cancer, genetic damage, or reproductive harm;

(3) disrupt the endocrine or hormone system;

(4) damage the nervous system, immune system, or organs, or cause other systemic toxicity;

(5) be persistent, bioaccumulative, and toxic; or

(6) be very persistent and very bioaccumulative.

(f) "Child" means a person under 12 years of age.

(g) "Children's product" means a consumer product intended for use by children, such as baby products, toys, car seats, personal care products, and clothing, and includes packaging of food or beverage products intended for use by children under three years of age, but does not include food or pharmaceutical products, or a medical device as defined in the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321(h).

(h) "Commissioner" means the commissioner of the Pollution Control Agency.

(i) "Distributor" means a person who sells consumer products to retail establishments on a wholesale basis.

(j) "Green chemistry" means an approach to designing and manufacturing products in ways that minimize the use and generation of toxic substances.

(k) "Manufacturer" means any person who manufactures a final consumer product sold at retail or whose brand name is affixed to the consumer product. In the case of a consumer product imported into the United States, manufacturer includes the importer or domestic distributor of the consumer product if the person who manufactured or assembled the consumer product or whose brand name is affixed to the consumer product does not have a presence in the United States.

(l) "Priority chemical" means a chemical identified by the commissioner as a chemical of high concern that is contained in a children's product offered for sale in Minnesota and meets the criteria in section 116.9403.

(m) "Safer alternative" means an alternative whose potential to harm human health is less than that of a priority chemical that it could replace.

Sec. 2. **[116.9402] IDENTIFICATION OF CHEMICALS OF HIGH CONCERN.**

(a) By July 1, 2010, the agency shall, after consultation with the Department of Health, publish in the State Register and on the agency's Internet Web site a list of chemicals of high concern.

(b) The department must periodically review and revise the list of chemicals of high concern at least every three years. The department may add chemicals to the list if the chemical meets one or more of the criteria in section 116.9401, paragraph (e).

(c) The agency shall consider, among others, chemicals listed in the following sources for possible inclusion on the list of chemicals of high concern:

(1) chemicals identified as "Group 1 carcinogens" or "Group 2A carcinogens" by the United Nations' World Health Organization, International Agency for Research on Cancer;

(2) chemicals identified as "known to be a human carcinogen" and "reasonably anticipated to be a human carcinogen" by the secretary of the United States Department of Health and Human Services;

(3) chemicals identified as "Group A carcinogens" or "Group B carcinogens" by the United States Environmental Protection Agency;

(4) chemicals identified as reproductive or developmental toxicants by:

(i) the United States Department of Health and Human Services, National Toxicology Program, Center for the Evaluation of Risks to Human Reproduction; and

(ii) the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment pursuant to the California Health and Safety Code, Safe Drinking Water and Toxic Enforcement Act of 1986, chapter 6.6, section 25249.8;

(5) chemicals identified as known or likely endocrine disruptors through screening or testing conducted in accordance with protocols developed by the United States Environmental Protection Agency pursuant to the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 346a(p), as amended by the federal Food Quality Protection Act, Public Law 104-170, or the federal Safe Drinking Water Act, United States Code, title 42, section 300j-17;

(6) chemicals listed on the basis of endocrine-disrupting properties in Annex XIV, List of Substances Subject to Authorisation, Regulation (EC) No 1907/2006 of the European Parliament concerning the Registration, Evaluation, Authorisation, and Restriction of Chemicals;

(7) persistent, bioaccumulative, and toxic chemicals identified by:

(i) the state of Washington Department of Ecology in Washington Administrative Code, Chapter 173-333; or

(ii) the United States Environmental Protection Agency in Code of Federal Regulations, title 40, part 372; and

(8) a very persistent, very bioaccumulative chemical listed in Annex XIV, List of Substances Subject to Authorisation, Regulation (EC) No 1907/2006 of the European Parliament concerning the Registration, Evaluation, Authorisation, and Restriction of Chemicals.

(d) The agency may consider chemicals listed by another state as harmful to human health or the environment for possible inclusion in the list of chemicals of high concern.

Sec. 3. [116.9403] IDENTIFICATION OF PRIORITY CHEMICALS.

(a) The agency, after consultation with the Department of Health, may designate a chemical of high concern as a priority chemical if the agency finds that the chemical is contained in a children's product offered for sale in Minnesota, and:

(1) the chemical has been found through biomonitoring to be present in human blood, including umbilical cord blood, breast milk, urine, or other bodily tissues or fluids;

(2) the chemical has been found through sampling and analysis to be present in household dust, indoor air, drinking water, or elsewhere in the home environment;

(3) the chemical has been found through monitoring to be present in fish, wildlife, or the natural environment;

(4) the chemical has been identified as a high-production volume chemical by the United States Environmental Protection Agency; or

(5) the sale or use of the chemical or a product containing the chemical has been prohibited in another state within the United States.

(b) The agency shall designate at least five priority chemicals by January 1, 2011, and an additional five priority chemicals by January 1, 2013.

(c) By February 1, 2011, the agency shall publish a list of priority chemicals in the State Register and on the agency's Internet Web site and shall update the published list whenever a new priority chemical is designated.

Sec. 4. [116.9404] DISCLOSURE OF INFORMATION ON PRIORITY CHEMICALS.

Subdivision 1. Reporting of chemical use. Not later than 180 days after a priority chemical is identified under section 116.9403, any person who is a manufacturer or distributor of a children's product for sale in this state that contains a priority chemical shall notify the agency of that fact in writing unless the children's product is not subject to regulation under section 116.9408. This written notice must identify the product, the number of units sold or distributed for sale in this state or nationally during the previous calendar year, the priority chemical or chemicals contained in the product, and the intended purpose of the priority chemicals in the product.

Subd. 2. Supplemental information. The manufacturer or distributor of a children's product that contains a priority chemical shall provide the following additional information if requested by the agency:

(1) information on the likelihood that the chemical will be released from the children's product to the environment during the children's product's lifecycle and the extent to which users of the children's product are likely to be exposed to the chemical;

(2) additional information regarding the potential for harm to human health from specific uses of the priority chemical; and

(3) an assessment of the availability, cost, feasibility, and performance, including potential for harm to human health of alternatives to the priority chemical and the reason the priority chemical is used in the manufacture of the children's product in lieu of identified alternatives. If an assessment acceptable to the agency is not timely submitted as determined by the agency, the agency may assess a fee on the manufacturer or distributor to cover the costs to prepare an independent report on the availability of safer alternatives by a contractor of the agency's choice.

Sec. 5. [116.9405] SAFER ALTERNATIVES TO PRIORITY CHEMICALS.

Subdivision 1. Replacement with safer alternative. A manufacturer or distributor of a children's product containing a priority chemical designated by the agency must:

(1) discontinue offering the product for sale in Minnesota;

(2) obtain a waiver from the commissioner under section 116.9407 in order to continue offering the product for sale in Minnesota; or

(3) replace the priority chemical with a safer alternative if the agency determines that a safer alternative is available and is a technically feasible replacement for the specific use in the children's product.

Subd. 2. Determination of safer alternative. Upon making a determination that a safer alternative is available for the specified use of the priority chemical in a product, the agency shall specify a reasonably expeditious timeline, not to exceed two years, by which date the priority chemical in the children's product sold in this state must be replaced with a safer alternative. In determining whether a safer alternative is available, the agency may, in the absence of persuasive evidence to the contrary, presume that:

(1) an alternative is a safer alternative if the alternative is not a chemical of high concern;

(2) a safer alternative is available if the sale of the children's product containing the priority chemical has been prohibited by another state within the United States;

(3) a safer alternative is available if the children's product containing the priority chemical is an item of apparel or a novelty; and

(4) a safer alternative is available if the alternative is sold in the United States.

Subd. 3. Compliance plan. No later than 180 days prior to the effective date of a prohibition adopted under section 116.9406, the manufacturer or distributor of a children's product that contains the priority chemical that is subject to the prohibition shall file a compliance plan with the commissioner or seek a waiver under section 116.9407. A compliance plan must:

(1) identify the children's product that contains the priority chemical;

(2) specify whether compliance will be achieved by discontinuing the sale of the children's product in this state or by substituting a safer alternative in the product; and

(3) if compliance is achieved by substitution of a safer alternative in the product, identify the safer alternative and the timetable for substitution.

Sec. 6. **[116.9406] PROHIBITION OF SALE.**

Subdivision 1. **Agency action against product containing priority chemical.** The agency shall prohibit the sale or distribution in this state of a children's product containing a priority chemical if the department finds that:

(1) distribution of the children's product directly or indirectly exposes children to the priority chemical, and one or more safer alternatives to the priority chemical are available and are technically feasible substitutes for the specific use of the priority chemical in the product; or

(2) the manufacturer or distributor fails to provide the information required under section 116.9404 in a timely fashion.

Subd. 2. **Notice of prohibition of sale.** The agency shall notify a manufacturer or distributor of its decision to prohibit the offering for sale in this state of a product containing a priority chemical, unless the manufacturer or distributor has been granted a waiver under section 116.9407. The notice of prohibition of sale must contain the effective date of the prohibition, which must be at least 270 days after the date of the notice.

Subd. 3. **Certificate of compliance.** No less than 60 days prior to the effective date of the prohibition of sale determined under section 116.9405, a manufacturer or distributor must send to the agency, in writing, a certificate of compliance certifying that after the effective date of the prohibition, the manufacturer or distributor will not offer the product containing the priority chemical for sale in this state, and, if applicable, that compliance will be achieved through substitution of a safer alternative approved by the agency.

Subd. 4. **Retailer notification.** A manufacturer or distributor of a children's product issued a notice of prohibition of sale under subdivision 2 shall notify, in writing, persons that offer the product for sale or distribution in this state of the requirements of sections 116.9401 to 116.9411, and the effective date of the prohibition of sale. Notice under this subdivision must be issued within 30 days of the issuance of the notice of prohibition of sale, unless the manufacturer or distributor has applied for a waiver under section 116.9407, in which case the notice must be issued within 30 days of a permit denial by the commissioner.

Subd. 5. **Sale of inventory.** A retailer selling a children's product containing a priority chemical that is the subject of a prohibition issued under subdivision 1 may not offer the children's product for sale in this state after the effective date of the prohibition, except that a retailer may exhaust stocks present in the retailer's premises 90 days prior to the effective date of the prohibition, after providing evidence of that fact to the agency.

Subd. 6. **Exceptions.** A children's product containing a priority chemical designated by the agency may continue to be sold or offered for sale in this state if:

(1) the manufacturer or distributor obtains a waiver under section 116.9407; or

(2) in the commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety, or welfare.

Sec. 7. **[116.9407] WAIVER FOR SPECIFIC USES.**

Subdivision 1. Application for waiver. The manufacturer or distributor of a children's product that contains a priority chemical and is subject to a prohibition under section 116.9406 may apply to the commissioner for a waiver for one or more specific uses of the priority chemical. The waiver application must, at a minimum:

- (1) identify the specific children's product use or uses for which the waiver is sought;
- (2) identify the alternatives considered for substitution of the priority chemical;
- (3) explain the basis for concluding that the use of an alternative is not technically or economically feasible; and
- (4) identify the steps that have and will be taken to minimize the use of the priority chemical.

Subd. 2. Term of waiver. The commissioner may grant a waiver with or without conditions upon finding that there are no technically or economically feasible alternatives for the use of the priority chemical in the children's product. Waivers may be granted for a term not to exceed four years and may be renewed for one or more additional four-year terms upon written application demonstrating that technically or economically feasible alternatives remain unavailable. The commissioner shall deny or grant waiver requests within 60 days after receipt of a completed waiver application.

Sec. 8. **[116.9408] APPLICABILITY.**

The requirements of sections 116.9401 to 116.9412 do not apply to:

- (1) chemicals in used children's products;
- (2) priority chemicals used in the manufacturing process, but that are not present in the final product;
- (3) priority chemicals used in agricultural production;
- (4) motor vehicles as defined in chapter 168 or watercraft as defined in chapter 86B or their component parts, except that the use of priority chemicals in detachable car seats is not exempt;
- (5) priority chemicals generated solely as combustion by-products or that are present in combustible fuels; or
- (6) retailers, unless that retailer knowingly sells a children's product containing a priority chemical after the effective date of its prohibition, of which that retailer has received prior notification from a manufacturer, distributor, or the state.

Sec. 9. **[116.9409] DONATIONS TO THE STATE.**

The commissioner may accept donations, grants, and other funds to carry out the purposes of sections 116.9401 to 116.9412. All such donations, grants, and other funds must be accepted without preconditions regarding the outcomes of the regulatory oversight processes set forth in sections 116.9401 to 116.9412.

Sec. 10. **[116.9410] PARTICIPATION IN INTERSTATE CHEMICALS CLEARINGHOUSE.**

The agency may participate in an interstate chemicals clearinghouse to promote safer chemicals in consumer products in cooperation with other states, including the classification of chemicals in commerce; organizing and managing available data on chemicals, including information on uses, hazards, and environmental and health concerns; and producing and evaluating information on safer alternatives to specific uses of chemicals of concern.

Sec. 11. **[116.9411] REPORTS.**

(a) By January 15, 2010, the Pollution Control Agency shall report to the senate and house of representatives committees with jurisdiction over environment and natural resources, commerce, and public health regarding the department's plans for implementing the requirements of sections 116.9401 to 116.9408, and make recommendations for funding the implementation of those sections.

(b) By January 15, 2012, the Pollution Control Agency, in conjunction with the commissioner of human services and the commissioner of commerce, shall report to the senate and house of representatives committees with jurisdiction over environment and natural resources, commerce, and public health regarding recommendations to evaluate and regulate toxic chemicals in all consumer products and to promote and provide incentives for product design that uses principles of green chemistry and lifecycle analysis to protect public health and the environment.

Sec. 12. **[116.9412] ENFORCEMENT.**

The agency shall enforce sections 116.9401 to 116.9411 in the manner provided by sections 115.071, subdivisions 1 to 6, and 116.072.

Sec. 13. **RULEMAKING.**

The agency shall adopt rules under Minnesota Statutes, chapter 14, to implement the provisions of Minnesota Statutes, sections 116.9404 to 116.9408, no later than October 1, 2010.

Sec. 14. **EFFECTIVE DATE.**

Sections 1 to 13 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public health; protecting the health of children from toxic chemicals in products; requiring disclosure by manufacturers of children's products that contain chemicals of high concern; authorizing the Pollution Control Agency to designate priority chemicals of high concern and require replacement with safer alternatives; prohibiting certain sales; providing a waiver process; authorizing participation in an interstate clearinghouse; requiring reports to the legislature on implementation plans and comprehensive safe products framework; proposing coding for new law in Minnesota Statutes, chapter 116."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce and Labor.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 254, A bill for an act relating to public safety; requiring law enforcement to provide violent crime alerts to citizens who request notification; requiring crime alerts to be distributed in a format that disabled citizens can access; proposing coding for new law in Minnesota Statutes, chapter 611A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[611A.0393] CRIME ALERTS; VIOLENT CRIMES; DISABLED ACCESS.**

If a law enforcement agency provides a crime alert to citizens within its jurisdiction, the alerts and any accompanying documents must be in a form that a disabled person can access with commercially available text-based screen reader software. Any contact information provided by a citizen requesting a crime alert is classified as private data on individuals.

EFFECTIVE DATE. This section is effective August 1, 2009."

Delete the title and insert:

"A bill for an act relating to public safety; requiring crime alerts to be distributed in a format that disabled citizens can access; proposing coding for new law in Minnesota Statutes, chapter 611A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 267, A bill for an act relating to traffic regulations; requiring restraint of child under age eight and shorter than four feet nine inches while passenger in motor vehicle; amending Minnesota Statutes 2008, section 169.685, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 18, strike the second "may" and insert "must"

Page 1, line 19, strike "or the amount reduced"

Page 2, after line 5, insert:

"Sec. 2. Minnesota Statutes 2008, section 169.686, subdivision 1, is amended to read:

Subdivision 1. Seat belt requirement. (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver of a passenger vehicle or commercial motor vehicle;

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who (i) is not required to be transported in a child passenger restraint system under section 169.685, subdivision 5, and (ii) is older than three but younger than 11 years of age.

(b) A person who is 15 years of age or older and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of paragraph (a), clause (2) or (3), by a child of the driver under the age of 15 or any

child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

EFFECTIVE DATE. This section is effective July 1, 2009, and applies to offenses committed on or after that date."

Amend the title as follows:

Page 1, line 3, before the semicolon, insert "and modifying seat belt requirements accordingly"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Oversight.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 280, A bill for an act relating to human services; requesting the commissioner of human services to resubmit for federal approval the elimination of depreciation add-back for self-employed farmers in MinnesotaCare.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 328, A bill for an act relating to adoption; modifying provisions governing access to adoption records and original birth certificates; amending Minnesota Statutes 2008, sections 13.465, subdivision 8; 144.218, subdivision 1; 144.225, subdivision 2; 144.2252; 144.226, subdivision 1; 259.89, subdivision 1; 260C.317, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2008, sections 259.83, subdivision 3; 259.89, subdivisions 2, 3, 4.

Reported the same back with the following amendments:

Page 5, line 16, after the semicolon, insert "and"

Page 5, line 19, strike ";" and" and insert a period

Page 5, strike lines 20 to 22

Page 5, line 27, delete "July" and insert "August"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Mullery from the Committee on Civil Justice to which was referred:

H. F. No. 334, A bill for an act relating to creditor remedies; prohibiting prejudgment garnishment in certain circumstances; amending Minnesota Statutes 2008, sections 551.05, subdivisions 1a, 3, 4, by adding a subdivision; 571.71; 571.72, subdivision 4; 571.79; 571.912; 571.914, subdivisions 1, 2, 4; 571.93, subdivision 1; repealing Minnesota Statutes 2008, sections 551.05, subdivisions 5, 6; 571.914, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 550.143, is amended to read:

550.143 LEVY ON FUNDS AT A FINANCIAL INSTITUTION.

Subdivision 1. **Procedure.** When the sheriff is levying upon funds at a financial institution, this section must be complied with, in addition to the general provisions set forth in section 550.135.

Subd. 2. **Disclosure form.** Along with the writ of execution and the exemption notice described in subdivision 3, the sheriff shall serve upon the financial institution an execution disclosure form which must be substantially in the following form:

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

JUDICIAL DISTRICT

..... (Judgment Creditor)

Against

FINANCIAL INSTITUTIONS
EXECUTION
DISCLOSURE

and

..... (Third Party)

On the day of,, the time of service of execution herein, there was due and owing the judgment debtor from the third party the following:

(1) Money. Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the third party.

.....

(2) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the third party claims against the amount set forth on line (1). State the facts by which such setoff, defense, lien, or claim is claimed. (Any indebtedness to a third party incurred by the judgment debtor within ten days prior to the receipt of the first execution levy on a debt is void as to the judgment creditor.)

.....

(3) Exemption. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(4) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property.

.....

5) Enter on the line below the total of lines (2), (3), and (4).

.....

(6) Enter on the line below the difference obtained (never less than zero) when line (5) is subtracted from the amount on line (1).

.....

(7) Enter on the line below 110 percent of the amount of the judgment creditor's claim which remains unpaid.

.....

(8) Enter on the line below the lesser of line (6) and line (7). You are hereby instructed to remit this amount only if it is \$10 or more.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this nonearnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature

.....
Title

.....
Telephone Number

Subd. 3. Exemption notice. If the levy is on funds of a judgment debtor who is a natural person and if the funds to be levied are held on deposit at any financial institution, the judgment creditor or its attorney shall provide the sheriff with two copies of an exemption notice, which must be substantially in the form set forth below. The sheriff shall serve both copies of the exemption notice on the financial institution, along with the writ of execution. Failure of the sheriff to serve the exemption notices renders the levy void, and the financial institution shall take no action. However, if this subdivision is being used to execute on funds that have previously been garnished in compliance with section 571.71, the judgment creditor is not required to serve additional exemption notices. In that

event, the execution levy shall only be effective as to the funds that were subject to the prior garnishment. Upon receipt of the writ of execution and exemption notices, the financial institution shall retain as much of the amount due under section 550.04 as the financial institution has on deposit owing to the judgment debtor, but not more than 110 percent of the amount remaining due on the judgment.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

JUDICIAL DISTRICT

..... (Judgment Creditor)

..... (Judgment Debtor)

TO: Debtor

EXEMPTION NOTICE

An order for attachment, garnishment summons, or levy of execution (strike inapplicable language) has been served on (Bank or other financial institution where you have an account.)

Your account balance is \$.....

The amount being held is \$.....

However, all or a portion of the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) relief based on need. This includes the Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA EA), Supplemental Security Income (SSI), and Energy Assistance;

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance);

(3) unemployment benefits, workers' compensation, or veterans' benefits;

(4) an accident, disability, or retirement pension or annuity;

(5) life insurance proceeds;

(6) the earnings of your minor child and any child support paid to you; or

(7) money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(8) all earnings of a person in category (1);

(9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;

(10) 75 percent of every debtor's after tax earnings; and

(11) all of a judgment debtor's after tax earnings below 40 times the federal minimum wage.

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first in, first out method is used. This means money deposited first is spent first.) The money being sought by the judgment creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the judgment creditor's attorney. In the event that there is no attorney for the judgment creditor, then the notice shall be sent directly to the judgment creditor. The address for the judgment creditor's attorney or the judgment creditor is set forth below. **Both copies must be mailed or delivered on the same day.**

NOTE: You may help resolve your claim faster if you send to the creditor's attorney written proof or documents that show why your money is exempt. If you have questions regarding the documents to send as proof of an exemption, call the creditor's attorney. If you do not send written proof and the creditor's attorney has questions about your exemption claim, the creditor's attorney may object to your claim which may result in a further delay in releasing your exempt funds.

If the financial institution does not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the judgment creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

IF YOU CLAIM AN EXEMPTION:

(1) nonexempt money can be turned over to the judgment creditor or sheriff;

(2) the financial institution will keep holding the money claimed to be exempt; and

(3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE JUDGMENT CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

the institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN TEN DAYS after the objection is personally served on you, or within 13 days from the date the objection is mailed to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the court administrator of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the judgment creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

Name and address of (Attorney for) Judgment Creditor

EXEMPTION:

(a) Amount of exemption claim:

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$

(b) Basis for exemption:

Of the 11 categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

(If the source is a type of relief based on need, list the case number and county:

case number:;

county:)

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named creditor or its attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.

I have mailed or delivered a copy of the exemption notice to the judgment creditor or judgment creditor's attorney if represented at the address indicated above.

DEBTOR

DATED:

.....
.....
.....

DEBTOR ADDRESS

.....
DEBTOR TELEPHONE NUMBER

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

.....JUDICIAL DISTRICT

.....(Creditor)

.....(Debtor)

.....(Financial institution)

IMPORTANT NOTICE

YOUR FUNDS HAVE BEEN LEVIED

The Creditor has frozen money in your account at your financial institution. The account is frozen for 14 days from the date of this notice.

Some of your money in your account may be protected (the legal word is exempt). You may be able to get it sooner than 14 days if you act quickly and follow the instructions on the next page.

The attached form lists some different sources of money in your account that are protected. If your money is from one or more of these sources, check the box on the form next to the sources of your money. If it is from one of these sources, the Creditor cannot take it.

BUT, you must follow the instructions and return the exemption form and copies of your bank statements from the last 60 days to have the bank unfreeze your money. If you do not follow the instructions or your creditor gets an order from the court or writ of execution, your financial institution will give the money to the Creditor. If that happens and it is protected, you can still get it back from the creditor later, but that is not as easy to do as filling in the form now.

See next pages for instructions and the exemption form.

Subd. 3a. Form of instructions. The instructions must be substantially in the following form:

INSTRUCTIONS

Note: The creditor is who you owe the money to. You are the debtor.

1. Fill out the attached exemption form in this packet.

If you check one of the boxes, you should also give proof that shows that some or all of the money in your account is from one or more of the protected sources. Creditors may ask for a hearing if they question your exemptions. To avoid a hearing:

Case numbers should be added to the form. Copies of documents should be sent with the form.

NOTICE: You must send copies of your bank statements for the past 60 days before the garnishment. If you do not send bank statements with your exemption claim, the financial institution may release your money to the creditor.

2. Sign the exemption form. Make three copies. Keep one for yourself.

3. Mail or deliver the other copies of the form by (insert date).

BOTH COPIES MUST BE MAILED OR DELIVERED THE SAME DAY.

One copy of the form goes to:

.....
(Insert name of creditor or creditor's attorney)

.....
(Insert address of creditor or creditor's attorney)

One copy goes to:

.....
(Insert name of bank)

.....
(Insert address of bank)

HOW THE PROCESS WORKS

If You Do Not Send in the Exemption Form and Bank Statements:

14 days after the date of this letter some or all of your money may be turned over to the creditor or to the sheriff pursuant to Minnesota statute.

If You Send in the Exemption Form and Bank Statements:

Any money that is NOT protected can be turned over to the creditor or the sheriff.

If the Creditor Does Not Object:

The financial institution will unfreeze your money six business days after the institution gets your completed form.

If the Creditor Objects:

The money you have said is protected on the form will be held by the bank. The creditor has six business days to object (disagree) and ask the court to hold a hearing. You will receive a Notice of Objection and a Notice of Hearing.

The financial institution will hold the money until a court decides whether your money is protected or not.

You may want to talk to a lawyer for advice about this process. If you are low income you can call Legal Aid.

PENALTIES:

If you claim that your money is protected and a court decides you made that claim in bad faith, the court can order you to pay costs, actual damages, attorney fees, and an additional amount of up to \$100. For example, it may be bad faith if you claim you receive government benefits that you do not receive.

If the creditor made a bad faith objection to your claim that your money is protected, the court can order them to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

Subd. 3b. Format of exemption form. The exemption form must be substantially in the following format:

EXEMPTION FORM

A. HOW MUCH MONEY IS PROTECTED

..... I claim ALL or SOME of the money being frozen by the bank is protected.

..... The amount I claim is \$.....

B. WHY THE MONEY IS PROTECTED

My money is protected because I get it from one or more of the following places:

(Check all that apply)

..... Government benefits

Government benefits include: MFIP - Minnesota family investment program, GA - general assistance, EA - emergency assistance, MA - medical assistance, GAMC - general assistance medical care, EGA - emergency general assistance, MSA - Minnesota supplemental aid, MSA-EA - MSA emergency assistance, SSI - Supplemental Security Income, MinnesotaCare, Medicare part B premium payments, Medicare part D extra help, energy assistance.

LIST SOURCE(S) OF FUNDING IN YOUR ACCOUNT

LIST THE CASE NUMBER AND COUNTY

Case Number:

County:

..... Social Security benefits

..... Unemployment benefits

..... Workers' compensation

..... Veterans' benefits

If you receive any of these government benefits, include copies of any documents you have that show you receive Social Security, unemployment, workers' compensation, or veterans' benefits.

..... **Other assistance based on need**

You may have assistance based on need from another source that is not on the list. If you do, check this box, and fill in the source of your money on the line below:

Source:

Include copies of any documents you have that show the source of this money.

..... **All of your earnings (wages) because:**

You get government benefits (see list of government benefits)

You currently receive other assistance based on need

You have received government benefits in the last six months

You were in jail or prison in the last six months

If you check this box, your wages are only protected for 60 days after they are deposited in your account so you MUST send the creditor a copy of BANK STATEMENTS that show what was in your account for the 60 days right before the bank froze your money.

..... **Some of your earnings (wages)**

If you did not check the box for all earnings, some of your earnings are still protected for 20 days after they were deposited in your account. The amount protected is the larger amount of:

75 percent of your wages (after taxes are taken out); or

(insert the sum of the current federal minimum wage) multiplied by 40.

The money from the following may also be exempt for 20 days after they are deposited in your account.

..... **An accident, disability, or retirement pension or annuity**

..... **Payments to you from a life insurance policy**

..... **Earnings of your child who is under 18 years of age**

..... **Child support**

..... **Money paid to you from a claim for damage or destruction of property.** Property includes household goods, farm tools or machinery, tools for your job, business equipment, a mobile home, a car, a musical instrument, a pew or burial lot, clothes, furniture, or appliances.

..... **Death benefits paid to you.**

I give permission to any agency that has given me cash benefits to give information about my benefits to the above-named creditor, or its attorney. The information will ONLY concern whether I get benefits or not, or whether I have gotten them in the past six months.

If I was an inmate in the last six months, I give my permission to the correctional institution to tell the above-named creditor that I was an inmate there.

YOU MUST SIGN AND SEND THIS FORM BACK TO THE CREDITOR'S ATTORNEY AND THE BANK. FILL IN THE BLANKS BELOW AND GO BACK TO THE INSTRUCTIONS TO MAKE SURE YOU DO IT CORRECTLY.

I have mailed or delivered a copy of this form to:

.....
(Insert name of creditor or creditor's attorney)

.....
(Insert address of creditor or creditor's attorney)

I have also mailed or delivered a copy of this exemption form to my bank at the address listed in the instructions.

DATED:

DEBTOR

.....
DEBTOR ADDRESS

.....
DEBTOR TELEPHONE NUMBER

Subd. 4. **Effect of exemption notice.** Within two business days after receipt of the writ of execution and exemption notices, the financial institution shall serve upon the judgment debtor two copies of the exemption notice. The financial institution shall serve the notice by first class mail to the last known address of the judgment debtor. If no claim of exemption is received by the financial institution within 14 days after the exemption notices are mailed to the judgment debtor, the funds remain subject to the execution levy and shall be remitted to the sheriff within seven six business days. If the judgment debtor elects to claim an exemption, the judgment debtor shall complete the exemption notice, sign it under penalty of perjury, and deliver one copy to the financial institution and one copy to the attorney for the judgment creditor within 14 days of the date postmarked on the correspondence mailed to the debtor containing the exemption notices. The judgment debtor is also required to include copies of bank statements for the prior 60 days with the exemption notice. In the event that there is no attorney for the judgment creditor, then the notice must be sent directly to the judgment creditor. Failure of the judgment debtor to deliver the executed exemption notice or copies of the required bank statements for the prior 60 days does not constitute a waiver of any claimed right to an exemption. Upon timely receipt of a claim of exemption, funds not claimed to be exempt by the debtor remain subject to the execution levy. All money claimed to be exempt shall be released to the judgment debtor upon the expiration of seven six business days after the date postmarked on the envelope containing the executed exemption notice mailed to the financial institution, or the date of personal delivery of the executed exemption notice to the financial institution, unless within that time the judgment creditor interposes an objection to the exemption.

Subd. 5. **Objection to exemption claim and request for hearing.** An objection shall be interposed, within six business days of receipt by the creditor of an exemption claim from the debtor, by mailing or delivering one copy of the written objection Notice of Objection and Notice of Hearing to the financial institution and one copy of the written objection Notice of Objection and Notice of Hearing to the judgment debtor along with a copy of the

~~judgment debtor's claimed exemption form. Both copies of an objection to an exemption claim shall be mailed or delivered on the same date.~~ The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section. The ~~written objection Notice of Objection and Notice of Hearing~~ must be substantially in the form specified in subdivision 7.

The court administrator may charge a fee of \$1 for the filing of a Notice of Objection and Notice of Hearing. Upon the filing of a Notice of Objection and Notice of Hearing, the court administrator shall schedule the matter for hearing no sooner than five business days but no later than seven business days from the date of filing. A debtor may request continuance of the hearing by notifying the creditor and the court. The court shall schedule the continued hearing within seven days of the original hearing date.

An order stating whether the debtor's funds are exempt shall be issued by the court within three days of the date of the hearing.

Subd. 6. Duties of financial institution if objection is made to exemption claim. Upon receipt of a ~~written objection Notice of Objection and Notice of Hearing~~ from the ~~judgment~~ creditor or its attorney within the specified ~~seven day~~ ~~six~~-day period, the financial institution shall retain the funds claimed to be exempt. ~~Unless the financial institution receives a request for hearing and notice of hearing from the judgment debtor asserting exemption rights within ten days after receipt of a written objection to the exemption, the funds remain subject to the execution levy as if no claim of exemption had been made and shall be remitted to the sheriff within seven days. If a request for hearing and notice of hearing to determine the validity of a claim of exemption is received by the financial institution within the period provided, it~~ The financial institution shall retain the funds claimed to be exempt until otherwise ordered by the court, upon mutual agreement of the parties, or until the garnishment lapses pursuant to section 571.79.

Subd. 7. Form of Notice of Objection and Notice of Hearing. (a) The ~~written objection to the judgment debtor's claim of exemption~~ Written Objection and Notice of Hearing must be in substantially the following form:

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

JUDICIAL DISTRICT

..... (Judgment Creditor)

OBJECTION

..... (Judgment Debtor)

TO

..... (Garnishee) (Third Party)

EXEMPTION CLAIM

The ~~judgment creditor objects to your claim for exemption from garnishment, levy of execution, order for attachment~~ (strike inapplicable language) for the following reason(s):

Because of this objection, your financial institution will retain the funds you claimed to be exempt for an additional ten days. If you wish to request a hearing on your exemption claim, you need to do so within ten days from the date the objection was personally served on you, or within 13 days of the date the objection was mailed to you. You may request a hearing by completing the attached form and filing it with the court administrator.

~~1. The court administrator's office shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel. The court administrator may charge a fee of \$1 for the filing of a Request for Hearing.~~

~~2. Upon the filing of a Request for Hearing, the court administrator shall schedule the matter for a hearing no later than five business days from the date of filing. The court administrator shall forthwith send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.~~

~~3. If it is possible that the financial institution might not receive the request mailed from the court administrator within ten days, then you may want to personally deliver a copy of the request to the financial institution after you have filed your request with the court.~~

~~4. An order stating whether your funds are exempt shall be issued by the court within three days of the date of the hearing.~~

~~If you do not file a Request for Hearing within ten days of the date the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your creditor.~~

~~If you file a Request for Hearing and your financial institution receives it within ten days of the date it received this objection, your financial institution will retain your funds claimed to be exempt until otherwise ordered by the court.~~

.....
Judgment Creditor or Attorney

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

JUDICIAL DISTRICT

.....
(Creditor)

CREDITOR'S NOTICE OF
OBJECTION AND NOTICE OF
HEARING ON EXEMPTION
CLAIM

.....
(Debtor)

.....
(Financial Institution)

(DEBTOR)
.....

ADDRESS
.....

.....
.....
.....
(CREDITOR OR CREDITOR'S ATTORNEY)

This Notice of Objection and Notice of Hearing is made by the creditor objecting to your exemption claim. This hearing is to resolve your exemption claim.

Hearing Date:

Time:

Hearing Place:

The creditor objects to your claim of exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):

.....
.....
.....

(Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim. Failure to do so could delay the court's decision.)

If the creditor receives all documents and materials relevant to the exemption claim before the hearing date, the creditor may agree with your exemption claim and you can avoid a hearing.

Because a court hearing will be held on your claim that your funds are protected, your financial institution will retain the funds until it receives an order from the court.

Subd. 8. Request for hearing and notice for hearing. The request for hearing accompanying the objection notice must be in substantially the following form:

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

JUDICIAL DISTRICT

..... (Judgment Creditor)

REQUEST FOR HEARING

..... (Judgment Debtor)

AND

..... (Third Party)

NOTICE FOR HEARING

I hereby request a hearing to resolve the exemption claim which has been made in this case regarding funds in the account of (Judgment Debtor) at the (Financial Institution).

I believe the property being held is exempt because

.....
.....

Dated:

(JUDGMENT DEBTOR)

(ADDRESS)

(DEBTOR PHONE NUMBER)

HEARING DATE:

TIME:

HEARING PLACE:

(Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim and objection. Failure to do so could delay the court's decision.)

Subd. 9. **Release of funds.** At any time during the procedure specified in this section, the judgment debtor or the judgment creditor may, by a writing dated after the service of the execution, direct the sheriff to release the funds in question to the other party. Upon receipt of a release, the sheriff shall release the funds as directed.

Subd. 10. **Subsequent proceedings; bad faith claims.** If in subsequent proceedings brought by the judgment debtor or the judgment creditor, the claim of exemption is not upheld, and the court finds that it was asserted in bad faith, the judgment creditor shall be awarded actual damages, costs, and reasonable attorney fees resulting from the additional proceedings, and an amount not to exceed \$100. It is not considered bad faith for a judgment creditor to object to an improperly completed or incomplete exemption claim. If the claim of exemption is upheld, and the court finds that the judgment creditor disregarded the claim of exemption in bad faith, the judgment debtor shall be awarded costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100. The underlying judgment must be modified to reflect assessment of damages, costs, and attorney fees. However, if the party in whose favor a penalty assessment is made is not actually indebted to the party's attorney for fees, the attorney's fee award shall be made directly to the attorney and, if not paid, an appropriate judgment in favor of the attorney shall be entered. Upon motion of any party in interest, on notice, the court shall determine the validity of any claim of exemption, and may make any order necessary to protect the rights of those interested. No financial institution is liable for damages for complying with this section. Both copies of an exemption claim or an objection to an exemption claim must be mailed or delivered on the same date. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

Sec. 2. Minnesota Statutes 2008, section 550.37, subdivision 14, is amended to read:

Subd. 14. **Public assistance.** All relief government assistance based on need, and the earnings or salary of a person who is a recipient of relief government assistance based on need, shall be exempt from all claims of creditors including any contractual setoff or security interest asserted by a financial institution. For the purposes of this chapter, relief government assistance based on need includes MFIP, work first, general assistance medical care, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance but is not limited to Minnesota family investment program, general assistance medical care, Supplemental Security Income, medical assistance, MinnesotaCare, payment of Medicare part B premiums or receipt of part D extra help, diversionary work program, work participation cash benefit, Minnesota supplemental assistance, emergency Minnesota supplemental assistance, and general assistance, emergency general assistance, emergency assistance or county crisis funds, fuel assistance, and food support. The salary or earnings of any debtor who is or has been an eligible recipient of relief government assistance based on need, or an inmate of a correctional institution shall, upon the debtor's return to private employment or farming after having been an eligible recipient of relief government assistance based on need, or an inmate of a correctional institution, be exempt from attachment, garnishment, or levy

of execution for a period of six months after the debtor's return to employment or farming and after all public assistance for which eligibility existed has been terminated. The exemption provisions contained in this subdivision also apply for 60 days after deposit in any financial institution, whether in a single or joint account. In tracing the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. Agencies distributing relief government assistance and the correctional institutions shall, at the request of creditors, inform them whether or not any debtor has been an eligible recipient of relief government assistance based on need, or an inmate of a correctional institution, within the preceding six months.

Sec. 3. Minnesota Statutes 2008, section 551.05, is amended to read:

551.05 ATTORNEY'S SUMMARY EXECUTION UPON FUNDS AT A FINANCIAL INSTITUTION.

Subdivision 1. **Procedure.** When levying upon funds at a financial institution, this section must be complied with, in addition to the general provisions specified in section 551.04.

Subd. 1a. **Exemption notice.** If the writ of execution is being used by the attorney to levy funds of a judgment debtor who is a natural person and if the funds to be levied are held on deposit at any financial institution, the attorney for the judgment creditor shall serve with the writ of execution two copies of an exemption notice. The notice must be substantially in the form set forth below. Failure of the attorney for the judgment creditor to send the exemption notice renders the execution levy void, and the financial institution shall take no action. However, if this subdivision is being used to execute on funds that have previously been garnished in compliance with section 571.71, the attorney for judgment creditor is not required to serve an additional exemption notice. In that event, the execution levy shall only be effective as to the funds that were subject to the prior garnishment. Upon receipt of the writ of execution and exemption notices, the financial institution shall retain as much of the amount due under section 550.04 as the financial institution has on deposit owing to the judgment debtor, but not more than 100 percent of the amount remaining due on the judgment, or \$10,000, whichever is less.

The notice informing a judgment debtor that an execution levy has been used to attach funds of the judgment debtor to satisfy a claim must be substantially in the following form:

STATE OF MINNESOTA

DISTRICT COURT

County of.....

..... JUDICIAL DISTRICT

..... (Judgment Creditor)

..... Judgment Debtor)

TO: Judgment Debtor

EXEMPTION NOTICE

An order for attachment, garnishment summons, or levy of execution (strike inapplicable language) has been served on (bank or other financial institution where you have an account).

Your account balance is \$.....

The amount being held is \$.....

However, all or a portion of the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) relief based on need. This includes the Minnesota Family Investment Program (MFIP), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA EA), Supplemental Security Income (SSI), and Energy Assistance;

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance);

(3) unemployment benefits, workers' compensation, or veterans' benefits;

(4) an accident, disability, or retirement pension or annuity;

(5) life insurance proceeds;

(6) the earnings of your minor child and any child support paid to you; or

(7) money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(8) all earnings of a person in category (1);

(9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;

(10) 75 percent of every judgment debtor's after tax earnings; or

(11) all of a judgment debtor's after tax earnings below 40 times the federal minimum wage.

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first in, first out method is used. This means money deposited first is spent first.) The money being sought by the judgment creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the judgment creditor's attorney. The address for the judgment creditor's attorney is set forth below. **Both copies must be mailed or delivered on the same day.**

NOTE: You may help resolve your claim faster if you send to the creditor's attorney written proof or documents that show why your money is exempt. If you have questions regarding the documents to send as proof of an exemption, call the creditor's attorney. If you do not send written proof and the creditor's attorney has questions about your exemption claim, the creditor's attorney may object to your claim which may result in a further delay in releasing your exempt funds.

If they do not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the attorney for the judgment creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

IF YOU CLAIM AN EXEMPTION:

- (1) nonexempt money can be turned over to the judgment creditor or sheriff;
- (2) the financial institution will keep holding the money claimed to be exempt; and
- (3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE JUDGMENT CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

the institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN TEN DAYS after the objection is personally served on you, or within 13 days from the date the objection is mailed to you. You may wish to consult an attorney at once if the judgment creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the court administrator of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the judgment creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....
.....
.....
.....
.....
.....
.....

Name and address of (Attorney for) Judgment Creditor

EXEMPTION:

(a) Amount of exemption claim:

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$

(b) Basis for exemption:

Of the 11 categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....
.....

~~(If the source is a type of relief based on need, list the case number and county:~~

~~case number:;~~

~~county:)~~

~~I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named judgment creditor's attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.~~

~~I have mailed or delivered a copy of the exemption notice to the judgment creditor's attorney at the address indicated above.~~

.....
DEBTOR

DATED:

.....
DEBTOR ADDRESS

.....
DEBTOR TELEPHONE NUMBER

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

..... **JUDICIAL DISTRICT**

..... (Creditor)

..... (Debtor)

..... (Financial institution)

IMPORTANT NOTICE

YOUR FUNDS HAVE BEEN LEVIED

The Creditor has frozen money in your account at your financial institution. The account is frozen for 14 days from the date of this notice.

Some of your money in your account may be protected (the legal word is exempt). You may be able to get it sooner than 14 days if you act quickly and follow the instructions on the next page.

The attached form lists some different sources of money in your account that are protected. If your money is from one or more of these sources, check the box on the form next to the sources of your money. If it is from one of these sources, the Creditor cannot take it.

BUT, you must follow the instructions and return the exemption form and copies of your bank statements from the last 60 days to have the bank unfreeze your money. If you do not follow the instructions or your creditor gets an order from the court or writ of execution, your financial institution will give the money to the Creditor. If that happens and it is protected, you can still get it back from the creditor later, but that is not as easy to do as filling in the form now.

See next pages for instructions and the exemption form.

Subd. 1a. Form of instructions. The instructions must be substantially in the following form:

INSTRUCTIONS

Note: The creditor is who you owe the money to. You are the debtor.

1. Fill out the attached exemption form in this packet.

If you check one of the boxes, you should also give proof that shows that some or all of the money in your account is from one or more of the protected sources. Creditors may ask for a hearing if they question your exemptions. To avoid a hearing:

Case numbers should be added to the form. Copies of documents should be sent with the form.

NOTICE: You must send copies of your bank statements for the past 60 days before the garnishment. If you do not send bank statements with your exemption claim, the financial institution may release your money to the creditor.

2. Sign the exemption form. Make three copies. Keep one for yourself.

3. Mail or deliver the other copies of the form by (insert date).

BOTH COPIES MUST BE MAILED OR DELIVERED THE SAME DAY.

One copy of the form goes to:

.....
(Insert name of creditor or creditor's attorney)

.....
(Insert address of creditor or creditor's attorney)

One copy goes to:

.....
(Insert name of bank)

.....
(Insert address of bank)

HOW THE PROCESS WORKS

If You Do Not Send in the Exemption Form and Bank Statements:

14 days after the date of this letter some or all of your money may be turned over to the creditor or to the sheriff pursuant to Minnesota statute.

If You Send in the Exemption Form and Bank Statements:

Any money that is NOT protected can be turned over to the creditor or the sheriff.

If the Creditor Does Not Object:

The financial institution will unfreeze your money six business days after they get your completed form.

If the Creditor Objects:

The money you have said is protected on the form will be held by the bank. The creditor has six business days to object (disagree) and ask the court to hold a hearing. You will receive a Notice of Objection and a Notice of Hearing.

The financial institution will hold the money until a court decides whether your money is protected or not.

You may want to talk to a lawyer for advice about this process. If you are low income you can call Legal Aid.

PENALTIES:

If you claim that your money is protected and a court decides you made that claim in bad faith, the court can order you to pay costs, actual damages, attorney fees, and an additional amount of up to \$100. For example, it may be bad faith if you claim you receive government benefits that you do not receive.

If the creditor made a bad faith objection to your claim that your money is protected, the court can order them to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

Subd. 1b. Format of exemption form. The exemption form must be substantially in the following format:

EXEMPTION FORM

A. HOW MUCH MONEY IS PROTECTED

..... I claim ALL or SOME of the money being frozen by the bank is protected.

..... The amount I claim is protected is \$.....

B. WHY THE MONEY IS PROTECTED

My money is protected because I get it from one or more of the following places:

(Check all that apply)

..... **Government benefits**

Government benefits include: **MFIP** - Minnesota family investment program, **GA** - general assistance, **EA** - emergency assistance, **MA** - medical assistance, **GAMC** - general assistance medical care, **EGA** - emergency general assistance, **MSA** - Minnesota supplemental aid, **MSA-EA** - MSA emergency assistance, **SSI** - Supplemental Security Income, **MinnesotaCare**, **Medicare part B premium payments**, **Medicare part D extra help, energy assistance**.

LIST SOURCE(S) OF FUNDING IN YOUR ACCOUNT

.....

LIST THE CASE NUMBER AND COUNTY

Case Number:

County:

..... **Social Security benefits**

..... **Unemployment benefits**

..... **Workers' compensation**

..... **Veterans' benefits**

If you receive any of these government benefits, include copies of any documents you have that show you receive Social Security, unemployment, workers' compensation, or veterans' benefits.

..... **Other assistance based on need**

You may have assistance based on need from another source that is not on the list. If you do, check this box, and fill in the source of your money on the line below:

Source:

Include copies of any documents you have that show the source of this money.

..... **All of your earnings (wages) because:**

You get government benefits (see list of government benefits)

You currently receive other assistance based on need

You have received government benefits in the last six months

You were in jail or prison in the last six months

If you check this box, your wages are only protected for 60 days after they are deposited in your account so you MUST send the creditor a copy of BANK STATEMENTS that show what was in your account for the 60 days right before the bank froze your money.

..... **Some of your earnings (wages)**

If you did not check the box for all earnings, some of your earnings are still protected for 20 days after they were deposited in your account. The amount protected is the larger amount of:

75 percent of your wages (after taxes are taken out); or

(insert the sum of the current federal minimum wage) multiplied by 40.

The money from the following may also be exempt for 20 days after they are deposited in your account.

..... **An accident, disability, or retirement pension or annuity**

..... **Payments to you from a life insurance policy**

..... **Earnings of your child who is under 18 years of age**

..... **Child support**

..... **Money paid to you from a claim for damage or destruction of property.** Property includes household goods, farm tools or machinery, tools for your job, business equipment, a mobile home, a car, a musical instrument, a pew or burial lot, clothes, furniture, or appliances.

..... **Death benefits paid to you.**

I give permission to any agency that has given me cash benefits to give information about my benefits to the above-named creditor, or its attorney. The information will **ONLY** concern whether I get benefits or not, or whether I have gotten them in the past six months.

If I was an inmate in the last six months, I give my permission to the correctional institution to tell the above-named creditor that I was an inmate there.

YOU MUST SIGN AND SEND THIS FORM BACK TO THE CREDITOR'S ATTORNEY AND THE BANK. FILL IN THE BLANKS BELOW AND GO BACK TO THE INSTRUCTIONS TO MAKE SURE YOU DO IT CORRECTLY.

I have mailed or delivered a copy of this form to:

.....
(Insert name of creditor or creditor's attorney)

.....
(Insert address of creditor or creditor's attorney)

I have also mailed or delivered a copy of this exemption form to my bank at the address listed in the instructions.

DATED:.....

DEBTOR

.....
DEBTOR ADDRESS

.....
DEBTOR TELEPHONE NUMBER

Subd. 2. **Effect of exemption notice.** Within two business days after receipt of the execution levy and exemption notices, the financial institution shall serve upon the judgment debtor two copies of the exemption notice. The financial institution shall serve the notice by first class mail to the last known address of the judgment debtor. If no claim of exemption is received by the financial institution within 14 days after the exemption notices are mailed to the judgment debtor, the funds remain subject to the execution levy and shall be remitted to the judgment creditor's attorney within seven six business days. If the judgment debtor elects to claim an exemption, the judgment debtor shall complete the exemption notice, sign it under penalty of perjury, and deliver one copy to the financial institution and one copy to the attorney for the judgment creditor within 14 days of the date postmarked on the correspondence mailed to the judgment debtor containing the exemption notices. The debtor is also required to

include copies of bank statements for the prior 60 days with the exemption notice. In the event that there is no attorney for the judgment creditor, the notice must be sent directly to the judgment creditor. Failure of the judgment debtor to deliver the executed exemption notice or copies of the required bank statements for the prior 60 days does not constitute a waiver of any claimed right to an exemption. Upon timely receipt of a claim of exemption, funds not claimed to be exempt by the judgment debtor remain subject to the execution levy. All money claimed to be exempt shall be released to the judgment debtor upon the expiration of ~~seven~~ ~~six~~ business days after the date postmarked on the envelope containing the executed exemption notice mailed to the financial institution, or the date of personal delivery of the executed exemption notice to the financial institution, unless within that time the attorney for the judgment creditor interposes an objection to the exemption.

Subd. 3. **Objection to exemption claim Objections and request for hearing.** An objection shall be interposed, within six business days of receipt by the creditor of an exemption claim from the debtor, by mailing or delivering one copy of the written objection Notice of Objection and Notice of Hearing to the financial institution and one copy of the written objection Notice of Objection and Notice of Hearing to the judgment debtor along with a copy of the judgment debtor's claimed exemption form. Both copies of an objection to an exemption claim shall be mailed or delivered on the same date. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section. The written objection Notice of Objection and Notice of Hearing forms must be substantially in the form specified set out in subdivision 5.

The court administrator may charge a fee of \$1 for the filing of a Notice of Objection and Notice of Hearing. Upon the filing of a Notice of Objection and Notice of Hearing, the court administrator shall schedule the matter for hearing no sooner than five business days but no later than seven business days from the date of filing. A debtor may request continuance of the hearing by notifying the creditor and the court. The court shall schedule the continued hearing within seven days of the original hearing date.

An order stating whether the debtor's funds are exempt shall be issued by the court within three days of the date of the hearing.

Subd. 4. **Duties of financial institution if objection is made to exemption claim.** Upon receipt of a written objection Notice of Objection and Notice of Hearing from the judgment creditor within the specified ~~seven-day~~ ~~six-day~~ period, the financial institution shall retain the funds claimed to be exempt. Unless the financial institution receives a request for hearing and notice of hearing from the judgment debtor asserting exemption rights within ten days after receipt of a written objection to the exemption, the funds remain subject to the execution levy as if no claim of exemption had been made and shall be remitted to the judgment creditor's attorney within seven days. If a request for hearing and notice of hearing to determine the validity of a claim of exemption is received by the financial institution within the period provided, it shall retain the funds claimed to be exempt until otherwise ordered by the court. The financial institution shall retain the funds claimed to be exempt until otherwise ordered by the court, upon mutual agreement of the parties, or until the garnishment lapses pursuant to section 571.79.

Subd. 5. **Form of Notice of Objection and Notice of Hearing.** (a) The written objection to the judgment debtor's claim of exemption must be in substantially the following form:

STATE OF MINNESOTA

DISTRICT COURT

County of
..... (Judgment Creditor)

..... JUDICIAL DISTRICT

..... (Judgment Debtor)

OBJECTION TO
EXEMPTION CLAIM

..... (Garnishee) (Third Party)

~~The judgment creditor objects to your claim for exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):~~

~~Because of this objection, your financial institution will retain the funds you claimed to be exempt for an additional ten days. If you wish to request a hearing on your exemption claim, you need to do so within ten days from the date the objection was personally served on you, or within 13 days from the date the objection was mailed to you. You may request a hearing by completing the attached form and filing it with the court administrator.~~

~~1. The court administrator's office shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel. The court administrator may charge a fee of \$1 for the filing of a Request for Hearing.~~

~~2. Upon the filing of a Request for Hearing, the court administrator shall schedule the matter for a hearing no later than five business days from the date of filing. The court administrator shall forthwith send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.~~

~~3. If it is possible that the financial institution might not receive the request mailed from the court administrator within ten days, then you may want to personally deliver a copy of the request to the financial institution after you have filed your request with the court.~~

~~4. An order stating whether your funds are exempt shall be issued by the court within three days of the date of the hearing.~~

~~If you do not file a Request for Hearing within ten days of the date the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your judgment creditor.~~

~~If you file a Request for Hearing and your financial institution receives it within ten days of the date it received this objection, your financial institution will retain your funds claimed to be exempt until otherwise ordered by the court.~~

.....
Attorney for Judgment Creditor

(a) The Written Objection and Notice of Hearing must be in substantially the following form:

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

JUDICIAL DISTRICT

.....
(Creditor)

CREDITOR'S NOTICE OF
OBJECTION AND NOTICE OF
HEARING ON EXEMPTION
CLAIM

.....
(Debtor)

.....
(Financial Institution)

(DEBTOR)

ADDRESS

(CREDITOR OR CREDITOR'S ATTORNEY)

This Notice of Objection and Notice of Hearing is made by the creditor objecting to your exemption claim. This hearing is to resolve your exemption claim.

Hearing Date:

Time:

Hearing Place:

The creditor objects to your claim of exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):

(Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim. Failure to do so could delay the court's decision.)

If the creditor receives all documents and materials relevant to the exemption claim before the hearing date, the creditor may agree with your exemption claim and you can avoid a hearing.

Because a court hearing will be held on your claim that your funds are protected, your financial institution will retain the funds until it receives an order from the court.

Subd. 6. Request for hearing and notice for hearing. The request for hearing accompanying the objection notice must be in substantially the following form:

STATE OF MINNESOTA

DISTRICT COURT

County of

JUDICIAL DISTRICT

..... **(Judgment Creditor)**

**REQUEST FOR HEARING
AND NOTICE FOR HEARING**

..... **(Judgment Debtor)**

..... **(Garnishee) (Third Party)**

I hereby request a hearing to resolve the exemption claim which has been made in this case regarding funds in the account of (Judgment Debtor) at the (Financial Institution).

I believe the property being held is exempt because

.....
.....

Dated: (JUDGMENT DEBTOR)

..... (ADDRESS)

HEARING DATE: TIME:

HEARING PLACE:

(Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim and objection. Failure to do so could delay the court's decision.)

Subd. 7. **Release of funds.** At any time during the procedure specified in this section, the judgment debtor or the attorney for the judgment creditor may, by a writing dated after the service of the writ of execution, direct the financial institution to release the funds in question to the other party. Upon receipt of a release, the financial institution shall release the funds as directed.

Subd. 8. **Subsequent proceedings; bad faith claims.** If in subsequent proceedings brought by the judgment debtor or the judgment creditor, the claim of exemption is not upheld, and the court finds that it was asserted in bad faith, the judgment creditor shall be awarded actual damages, costs, and reasonable attorney fees resulting from the additional proceedings, and an amount not to exceed \$100. If the claim of exemption is upheld, and the court finds that the judgment creditor disregarded the claim of exemption in bad faith, the judgment debtor shall be awarded costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100. It is not considered bad faith for a judgment creditor to object to an improperly completed or incomplete exemption claim. The underlying judgment must be modified to reflect assessment of damages, costs, and attorney fees. However, if the party in whose favor a penalty assessment is made is not actually indebted to the party's attorney for fees, the attorney's fee award shall be made directly to the attorney and if not paid, an appropriate judgment in favor of the attorney shall be entered. Upon motion of any party in interest, on notice, the court shall determine the validity of any claim of exemption, and may make any order necessary to protect the rights of those interested. No financial institution is liable for damages for complying with this section. Both copies of an exemption claim or an objection to an exemption claim must be mailed or delivered on the same date. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

Sec. 4. Minnesota Statutes 2008, section 571.71, is amended to read:

571.71 GARNISHMENT; WHEN AUTHORIZED.

As an ancillary proceeding to a civil action for the recovery of money, a creditor may issue a garnishment summons as provided in this chapter against any third party in the following instances:

(1) at the time the civil action is commenced or at any time after the commencement of the civil action, but before the entry of a judgment, if the court orders the issuance of the garnishment summons pursuant to section 571.93;

(2) at any time 40-45 days or more after service of the summons and complaint upon the debtor in the civil action when a judgment by default could have, but has not, been entered pursuant to rule 55.01(a) of the Minnesota Rules of Civil Procedure for the District Courts. Garnishment under this clause is effective only after the Notice of Intent to Garnish form and the Exemption form is served on the debtor at any time 20 or more days after the service of the Summons and Complaint and, in addition, the creditor does not receive an answer from the debtor within 25 days after service of the Notice of Intent to Garnish. The Notice of Intent to Garnish form and the Exemption form must be substantially in the form set forth in section 571.72, subdivision 10. If a creditor sends a Notice of Intent to Garnish form to a debtor under this clause, the creditor cannot obtain a default judgment against the debtor under rule 55.01(a) of the Minnesota Rules of Civil Procedure for the District Court until 25 days after the service of the Notice of Intent to Garnish form. No filing of a pleading or other documents by the creditor is required to issue a garnishment summons under this clause; however, the creditor must comply with the service requirement of section 571.72, subdivision 4; or

(3) at any time after entry of a money judgment in the civil action.

Sec. 5. Minnesota Statutes 2008, section 571.72, is amended by adding a subdivision to read:

Subd. 10. Exemption notice for prejudgment garnishment.

EXEMPTION NOTICE

IMPORTANT NOTICE: A garnishment summons may be served on your employer, bank, or other third parties without any further court proceeding or notice to you. See the attached Notice of Intent to Garnish for more information.

The following money and wages may be protected (the legal word is exempt) from garnishment:

1. Financial institutions/bank

Some of the money in your account may be protected because you receive government benefits from one or more of the following places:

MFIP- Minnesota family investment program

GA- general assistance

EA- emergency assistance

MA- medical assistance

GAMC- general assistance medical care

EGA- emergency general assistance

MSA- Minnesota supplemental aid

MSA-EA - MSA emergency assistance

SSI- Supplemental Security Income

MinnesotaCare

Medicare part B premium payments

Medicare part D extra help

Energy assistance

Social Security benefits

Unemployment benefits

Workers' compensation

Veterans' benefits

Sending the undersigned creditor a copy of BANK STATEMENTS that show what was in your account for the past 60 days may give the creditor enough information about your exemption claim to avoid a garnishment.

2. Earnings

Your earnings are completely protected from garnishment because:

All of your earnings (wages) because:

You get government benefits (see list of government benefits)

You currently receive other assistance based on need

You have received government benefits in the last six months

You were in jail or prison in the last six months

Your wages are only protected for 60 days after they are deposited in your account so it would be helpful if you immediately send the undersigned creditor a copy of BANK STATEMENTS that show what was in your account for the past 60 days.

Some of your earnings (wages)

If you did not check the box for all earnings, some of your earnings are still protected for 20 days after they were deposited in your account. The amount protected is the larger amount of:

75 percent of your wages (after taxes are taken out); or

(insert the sum of the current federal minimum wage) multiplied by 40.

The money from the following may also be exempt for 20 days after they are deposited in your account.

An accident, disability, or retirement pension or annuity

Payments to you from a life insurance policy

Earnings of your child who is under 18 years of age

Child support

Money paid to you from a claim for damage or destruction of property. Property includes household goods, farm tools or machinery, tools for your job, business equipment, a mobile home, a car, a musical instrument, a pew or burial lot, clothes, furniture, or appliances.

Death benefits paid to you.

YOU WILL BE ABLE TO CLAIM THESE EXEMPTIONS WHEN YOU RECEIVE NOTICE OF THE GARNISHMENT (OR TEN DAYS PRIOR TO A WAGE GARNISHMENT.) BUT IF YOU BELIEVE THE MONEY IN YOUR BANK ACCOUNT IS EXEMPT OR YOUR WAGES ARE EXEMPT YOU SHOULD IMMEDIATELY CONTACT THE PERSON BELOW TO DISCUSS YOUR EXEMPTION AND POSSIBLY AVOID GARNISHMENT.

Creditor

Creditor address

Creditor telephone number

IMPORTANT! READ THIS CAREFULLY!**NOTICE OF INTENT TO GARNISH**

..... against
Plaintiff/Creditor *Defendant/Debtor*

Your money, property, or earnings are in danger of being garnished because you did not send a written "Answer" to the Summons and Complaint served on you over 20 days ago.

There is no case filed in court, but because you did not send a written "Answer" the creditor may serve a garnishment summons on your employer, bank or other third parties. This means that your money or wages can be garnished (held or taken). Under Minnesota law, this can happen anytime 20 days after the date you receive this notice.

There will be **NO COURT HEARING** or any further notice to you prior to a garnishment if you do nothing. There may not be a file open at the Clerk of the Court's office. **There are things you can do to avoid a garnishment, but you must act quickly.**

Please read these instructions carefully. **You have 20 days** to do one of the following:

1. **Send an Answer.** If you do not think you owe the money or if you have a legal reason that you did not pay, send a written "Answer" to the Summons and Complaint. Your "Answer" should tell the creditor why you think you do not owe some or all of the money. Contact a lawyer if you do not know what to do, need help, or have any questions about the debt.

2. **Claim an Exemption.** Even if you do not have a defense to the complaint, some of your money may be protected (the legal word is exempt) from garnishment. This means it is protected and cannot be taken. Prior to garnishment, the creditor will send you a form to claim these exemptions but you can possibly avoid the garnishment action by contacting the person below **immediately** to claim your exemption. Attached to this notice is a list of exemptions you may be able to claim.

3. If you do not have a defense and your money is not exempt you can call the person below before the 20 days are up and try to set up a payment plan that works for both you and your creditor. You can contact the person below at any time to try to work out a payment plan, but if you wait too long or cannot agree about a payment plan, they may garnish or levy your money or wages.

If you do not do any of these things, your money can be garnished. The creditor can garnish your wages, bank accounts, or other assets. They do not have to go to court to let you know when they start taking your money.

LAW FIRM

Dated:

By:

Attorney, #

Attorneys for Plaintiff

Address

Telephone

Sec. 6. Minnesota Statutes 2008, section 571.913, is amended to read:

571.913 EFFECT OF EXEMPTION NOTICE.

Within two business days after receipt of the garnishment summons and exemption notices, the financial institution shall serve upon the debtor two copies of the exemption notice. The financial institution shall serve the notice by first class mail to the last known address of the debtor. If no claim of exemption is received by the financial institution within 14 days after the exemption notices are mailed to the debtor, the funds remain subject to the garnishment summons. If the debtor elects to claim an exemption, the debtor shall complete the exemption notice, sign it under penalty of perjury, and deliver one copy to the financial institution and one copy to the attorney for the creditor within 14 days of the date postmarked on the correspondence mailed to the debtor containing the exemption notices. The debtor is also required to include copies of bank statements for the prior 60 days with the exemption notice. In the event that there is no attorney for the creditor, then the notice must be sent directly to the creditor. Failure of the debtor to deliver the executed exemption notice or copies of the required bank statements for the prior 60 days does not constitute a waiver of a claimed right to an exemption. Upon timely receipt of a claim of exemption, funds not claimed to be exempt by the debtor remain subject to the garnishment summons. All money claimed to be exempt shall be released to the debtor upon the expiration of seven six business days after the date postmarked on the envelope containing the executed exemption notice mailed to the financial institution, or the date of personal delivery of the executed exemption notice to the financial institution, unless within that time the creditor interposes an objection to the exemption.

Sec. 7. Minnesota Statutes 2008, section 571.914, is amended to read:

571.914 OBJECTION TO EXEMPTION CLAIM.

Subdivision 1. **Objections and request for hearing.** An objection shall be interposed, within six business days of receipt by the creditor of an exemption claim from the debtor, by mailing or delivering one copy of the written objection Notice of Objection and Notice of Hearing to the financial institution and one copy of the written objection Notice of Objection and Notice of Hearing to the debtor. A Request for Hearing and Notice of Hearing form must accompany each copy of the written objection.

~~Both copies of an objection to an exemption claim must be mailed or delivered on the same date.~~ The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

The ~~written objection, and Request for Hearing Notice of Objection and Notice of Hearing, forms~~ must be substantially in the ~~forms~~ form set out in ~~subdivisions subdivision 2 and 3.~~

~~The court shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel.~~ The court administrator may charge a fee of \$1 for the filing of a ~~Request for Notice of Objection and Notice of Hearing.~~ Upon the filing of a ~~Request for Notice of Objection and Notice of Hearing,~~ the court administrator shall schedule the matter for hearing no ~~sooner than five business days but no~~ later than ~~five~~ seven business days from the date of filing. ~~The court administrator shall immediately send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.~~ A debtor may request continuance of the hearing by notifying the creditor and the court. The court shall schedule the continued hearing within seven days of the original hearing date.

An order stating whether the debtor's funds are exempt shall be issued by the court within three days of the date of the hearing.

Subd. 2. **Form of Notice of Objection and Notice of Hearing.** (a) The ~~written objection to the debtor Written Objection and Notice of Hearing~~ must be in substantially the following form:

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF
..... JUDICIAL DISTRICT

.....(Creditor)

CREDITOR'S NOTICE OF
OBJECTION AND NOTICE
OF HEARING
TO ON EXEMPTION CLAIM

.....(Debtor)

(DEBTOR)
.....

.....(Garnishee)

ADDRESS
.....

.....

.....

.....

.....

(CREDITOR OR CREDITOR'S ATTORNEY)
.....

.....

This Notice of Objection and Notice of Hearing is made by the creditor objecting to your exemption claim. This hearing is to resolve your exemption claim.

Hearing Date:
.....

Time:

Hearing Place:

The creditor objects to your claim ~~for or~~ exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):

.....
.....
.....

(Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim. Failure to do so could delay the court's decision.)

If the creditor receives all documents and materials relevant to the exemption claim before the hearing date, the creditor may agree with your exemption claim and you can avoid a hearing.

~~Because of this objection a court hearing will be held on your claim that your funds are protected, your financial institution will retain the funds you claimed to be exempt for an additional ten days. If you wish to request a hearing on your exemption claim, you need to do so within ten days from the date the objection was personally served on you, or within 13 days of the date the objection was mailed to you. You may request a hearing by completing the attached form and filing it with the court administrator until it receives an order from the court.~~

~~1. The court shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel. The court administrator may charge a fee of \$1 for the filing of a Request for Hearing.~~

~~2. Upon the filing of a Request for Hearing, the clerk shall schedule the matter for a hearing no later than five business days from the date of filing. The court administrator shall forthwith send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.~~

~~3. If it is possible that the financial institution might not receive the request mailed from the court administrator within ten days, then you may want to personally deliver a copy of the request to the financial institution after you have filed your request with the court.~~

~~4. An order stating whether your funds are exempt shall be issued by the court within three days of the date of the hearing.~~

~~If you do not file a Request for Hearing within ten days of the date the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your creditor.~~

~~If you file a Request for Hearing and your financial institution receives it within ten days of the date it received this objection, your financial institution will retain your funds claimed to be exempt until otherwise ordered by the court, or until the garnishment lapses pursuant to Minnesota Statutes, section 571.79.~~

(CREDITOR OR CREDITOR'S ATTORNEY.)

Subd. 3. Request for hearing and notice for hearing. The request for hearing accompanying the objection notice must be in substantially the following form:

STATE OF MINNESOTA

DISTRICT COURT

County of

JUDICIAL DISTRICT

.....(Creditor)

.....(Debtor)

REQUEST FOR HEARING AND
NOTICE FOR HEARING

.....(Garnishee)

I hereby request a hearing to resolve the exemption claim which has been made in this case regarding funds in the account of (Debtor) at the (Financial Institution).

I believe the property being held is exempt because

Dated:

(DEBTOR)

.....
(ADDRESS)

HEARING DATE:

TIME:

HEARING PLACE:

(Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim. Failure to do so could delay the court's decision.)

Subd. 4. Duties of financial institution if objection is made to exemption claim. Upon receipt of a written objection Notice of Objection and Notice of Hearing from the creditor within the specified seven-day period, the financial institution shall retain the funds claimed to be exempt. Unless the financial institution receives a request for hearing from the debtor asserting exemption rights within ten days after receipt of the written objection to the exemption, the funds remain subject to the garnishment summons as if no claim of exemption had been made. If a notice of motion and motion to determine the validity of a claim of exemption is received by the financial institution within the period provided, the financial institution shall retain the funds claimed to be exempt until otherwise ordered by the court, upon mutual agreement of the parties, or until the garnishment lapses pursuant to section 571.79.

Sec. 8. Minnesota Statutes 2008, section 571.925, is amended to read:

571.925 FORM OF NOTICE.

Subdivision 1. Exemption notice. The ten-day notice informing a debtor that a garnishment summons may be used to garnish the earnings of an individual must be substantially in the following form:

STATE OF MINNESOTA

DISTRICT COURT

County of _____

JUDICIAL DISTRICT _____

..... (Creditor)
against

..... (Debtor)
and

GARNISHMENT EXEMPTION
NOTICE AND NOTICE OF
INTENT TO GARNISH EARNINGS

..... (Garnishee)

PLEASE TAKE NOTICE that a garnishment summons or levy may be served upon your employer or other third parties, without any further court proceedings or notice to you, ten days or more from the date hereof. Some or all of your earnings are exempt from garnishment. If your earnings are garnished, your employer must show you how the amount that is garnished from your earnings was calculated. You have the right to request a hearing if you claim the garnishment is incorrect.

Your earnings are completely exempt from garnishment if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months.

Relief based on need includes the Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA EA), Supplemental Security Income (SSI), and Energy Assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the creditor's attorney and the garnishee.

You may wish to contact the attorney for the creditor in order to arrange for a settlement of the debt or contact an attorney to advise you about exemptions or other rights.

PENALTIES

(1) Be advised that even if you claim an exemption, a garnishment summons may still be served on your employer. If your earnings are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

(2) HOWEVER, BE WARNED if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$100.

~~(3) If after receipt of this notice, you in bad faith take action to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable attorney's fees plus an amount not to exceed \$100.~~

Dated:

.....
~~(Attorney for) Creditor~~

.....
~~Address~~

.....
~~Telephone~~

DEBTOR'S EXEMPTION CLAIM NOTICE

I hereby claim that my earnings are exempt from garnishment because:

~~(1) I am presently a recipient of relief based on need. (Specify the program, case number, and the county from which relief is being received.)~~

.....
~~Program~~
~~Case Number (if known)~~
~~County~~

~~(2) I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case number, and the county from which relief has been received.)~~

.....
~~Program~~
~~Case Number (if known)~~
~~County~~

~~(3) I have been an inmate of a correctional institution within the last six months. (Specify the correctional institution and location.)~~

.....
~~Correctional Institution~~
~~Location~~

~~I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named creditor or the creditor's attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institution within the last six months. I have mailed or delivered a copy of this form to the creditor or creditor's attorney.~~

.....
~~Date~~
~~Debtor~~

.....
~~Address~~

.....
~~Debtor Telephone Number~~

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

JUDICIAL DISTRICT

.....(Creditor)

.....(Debtor)

.....(Financial Institution)

IMPORTANT NOTICE

YOUR FUNDS HAVE BEEN LEVIED

The Creditor has frozen money in your account at your financial institution. The account is frozen for 14 days from the date of this notice.

Some of your money in your account may be protected (the legal word is exempt). You may be able to get it sooner than 14 days if you act quickly and follow the instructions on the next page.

The attached form lists some different sources of money in your account that are protected. If your money is from one or more of these sources, check the box on the form next to the sources of your money. If it is from one of these sources, the Creditor cannot take it.

BUT, you must follow the instructions and return the exemption form and copies of your bank statements from the last 60 days to have the bank unfreeze your money. If you do not follow the instructions or your creditor gets an order from the court or writ of execution, your financial institution will give the money to the Creditor. If that happens and it is protected, you can still get it back from the creditor later, but that is not as easy to do as filling in the form now.

See next pages for instructions and the exemption form.

Subd. 2. Form of instructions. The instructions must be substantially in the following form:

INSTRUCTIONS

Note: The creditor is who you owe the money to. You are the debtor.

1. Fill out the attached exemption form in this packet.

If you check one of the boxes, you should also give proof that shows that some or all of the money in your account is from one or more of the protected sources. Creditors may ask for a hearing if they question your exemptions. To avoid a hearing:

Case numbers should be added to the form. Copies of documents should be sent with the form.

NOTICE: You must send copies of your bank statements for the past 60 days before the garnishment. If you do not send bank statements with your exemption claim, the financial institution may release your money to the creditor.

2. Sign the exemption form. Make three copies. Keep one for yourself.

3. Mail or deliver the other copies of the form by (insert date).

BOTH COPIES MUST BE MAILED OR DELIVERED THE SAME DAY.

One copy of the form goes to:

.....
(Insert name of creditor or creditor's attorney)

.....
(Insert address of creditor or creditor's attorney)

One copy goes to:

.....
(Insert name of bank)

.....
(Insert address of bank)

HOW THE PROCESS WORKS

If You Do Not Send in the Exemption Form and Bank Statements:

14 days after the date of this letter some or all of your money may be turned over to the creditor or to the sheriff pursuant to Minnesota statute.

If You Send in the Exemption Form and Bank Statements:

Any money that is NOT protected can be turned over to the creditor or the sheriff.

If the Creditor Does Not Object:

The financial institution will unfreeze your money six business days after they get your completed form.

If the Creditor Objects:

The money you have said is protected on the form will be held by the bank. The creditor has six business days to object (disagree) and ask the court to hold a hearing. You will receive a Notice of Objection and a Notice of Hearing.

The financial institution will hold the money until a court decides whether your money is protected or not.

You may want to talk to a lawyer for advice about this process. If you are low income you can call Legal Aid.

PENALTIES:

If you claim that your money is protected and a court decides you made that claim in bad faith, the court can order you to pay costs, actual damages, attorney fees, and an additional amount of up to \$100. For example, it may be bad faith if you claim you receive government benefits that you do not receive.

If the creditor made a bad faith objection to your claim that your money is protected, the court can order them to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

Subd. 3. Format of exemption form. The exemption form must be substantially in the following format:

EXEMPTION FORM**A. HOW MUCH MONEY IS PROTECTED**

- I claim ALL or SOME of the money being frozen by the bank is protected.
..... The amount I claim is protected is \$.....

B. WHY THE MONEY IS PROTECTED

My money is protected because I get it from one or more of the following places:

(Check all that apply)

- Government benefits

Government benefits include: MFIP - Minnesota family investment program, GA - general assistance, EA - emergency assistance, MA - medical assistance, GAMC - general assistance medical care, EGA - emergency general assistance, MSA - Minnesota supplemental aid, MSA-EA - MSA emergency assistance, SSI - Supplemental Security Income, MinnesotaCare, Medicare part B premium payments, Medicare part D extra help, energy assistance.

LIST SOURCE(S) OF FUNDING IN YOUR ACCOUNT

.....

LIST THE CASE NUMBER AND COUNTY

Case Number:

County:

- Social Security benefits

- Unemployment benefits

- Workers' compensation

- Veterans' benefits

If you receive any of these government benefits, include copies of any documents you have that show you receive Social Security, unemployment, workers' compensation, or veterans' benefits.

- Other assistance based on need

You may have assistance based on need from another source that is not on the list. If you do, check this box, and fill in the source of your money on the line below:

Source:

Include copies of any documents you have that show the source of this money.

- All of your earnings (wages) because:

You get government benefits (see list of government benefits)

You currently receive other assistance based on need

You have received government benefits in the last six months

You were in jail or prison in the last six months

If you check this box, your wages are only protected for 60 days after they are deposited in your account so you MUST send the creditor a copy of BANK STATEMENTS that show what was in your account for the 60 days right before the bank froze your money.

..... Some of your earnings (wages)

If you did not check the box for all earnings, some of your earnings are still protected for 20 days after they were deposited in your account. The amount protected is the larger amount of:

75 percent of your wages (after taxes are taken out); or

(insert the sum of the current federal minimum wage) multiplied by 40.

The money from the following may also be exempt for 20 days after they are deposited in your account.

..... An accident, disability, or retirement pension or annuity

..... Payments to you from a life insurance policy

..... Earnings of your child who is under 18 years of age

..... Child support

..... Money paid to you from a claim for damage or destruction of property. Property includes household goods, farm tools or machinery, tools for your job, business equipment, a mobile home, a car, a musical instrument, a pew or burial lot, clothes, furniture, or appliances.

..... Death benefits paid to you.

I give permission to any agency that has given me cash benefits to give information about my benefits to the above-named creditor, or its attorney. The information will ONLY concern whether I get benefits or not, or whether I have gotten them in the past six months.

If I was an inmate in the last six months, I give my permission to the correctional institution to tell the above-named creditor that I was an inmate there.

YOU MUST SIGN AND SEND THIS FORM BACK TO THE CREDITOR'S ATTORNEY AND THE BANK. FILL IN THE BLANKS BELOW AND GO BACK TO THE INSTRUCTIONS TO MAKE SURE YOU DO IT CORRECTLY.

I have mailed or delivered a copy of this form to:

(Insert name of creditor or creditor's attorney)

(Insert address of creditor or creditor's attorney)

I have also mailed or delivered a copy of this exemption form to my bank at the address listed in the instructions.

DATED:

DEBTOR

DEBTOR ADDRESS

DEBTOR TELEPHONE NUMBER"

Delete the title and insert:

"A bill for an act relating to creditor remedies; modifying garnishment instructions, forms, procedures, and exemptions; amending Minnesota Statutes 2008, sections 550.143; 550.37, subdivision 14; 551.05; 571.71; 571.72, by adding a subdivision; 571.913; 571.914; 571.925."

With the recommendation that when so amended the bill pass.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 510, A bill for an act relating to agriculture; changing certain provisions of the pesticide control law and the fertilizer, soil amendment, and plant amendment law; amending Minnesota Statutes 2008, sections 18B.065, subdivisions 2, 2a; 18C.415, subdivision 3; 18C.421; 18C.425, subdivisions 4, 6.

Reported the same back with the following amendments:

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2008, section 18B.065, subdivision 2a, is amended to read:

Subd. 2a. Disposal site requirement. (a) For agricultural waste pesticides, the commissioner must designate a place in each county of the state that is available at least every year for persons to dispose of unused portions of agricultural pesticides. The commissioner shall consult with the person responsible for solid waste management and disposal in each county to determine an appropriate location and to advertise each collection event.

(b) For residential waste pesticides, the commissioner must provide periodic disposal opportunities each year in each county. As provided under subdivision 7, the commissioner may enter into agreements with county or regional solid waste management entities to provide these collections and shall provide these entities with funding for reasonable costs incurred including, but not limited to, related supplies, transportation, advertising, and disposal costs as well as reasonable overhead costs.

(c) A person who collects waste pesticide under paragraph (a) or (b) shall, on a form provided by the commissioner, record information on each waste pesticide product collected including, but not limited to, the quantity collected and either the product name, and its active ingredient or ingredients, quantity, and or the product's United States Environmental Protection Agency registration number, on a form provided by the commissioner. The person must submit this information to the commissioner at least annually."

Page 3, line 21, delete "18D.33" and insert "18D.331"

Page 4, line 11, delete "18B.421" and insert "18C.421"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 550, A bill for an act relating to public health; preventing sexually transmitted infections and teen pregnancy; studying the prevalence of sexually transmitted infections and the cost to the health care system resulting from them; creating a responsible family life and sexuality education program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2008, section 121A.23.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on K-12 Education Policy and Oversight.

The report was adopted.

Otremska from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 598, A bill for an act relating to agriculture; changing certain provisions of the nursery law; amending Minnesota Statutes 2008, sections 18H.02, subdivision 12a, by adding subdivisions; 18H.07, subdivisions 2, 3; 18H.09; 18H.10; repealing Minnesota Rules, part 1505.0820.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 334 and 598 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Slocum and Thissen introduced:

H. F. No. 783, A bill for an act relating to occupations and professions; according status of emergency vehicle to vehicle operated by protective agent for escorting funeral procession or oversized loads; making technical correction; amending Minnesota Statutes 2008, sections 169.011, subdivision 3; 326.338, subdivision 4; 326.3382, subdivision 5.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Newton, Ward, Anzelc, Eken, Kalin, Slawik, Swails, Fritz, Ruud, Obermueller and Davnie introduced:

H. F. No. 784, A bill for an act relating to education finance; increasing the state reimbursement for reduced price school lunch meals from 12 to 52 cents per meal; appropriating money; amending Minnesota Statutes 2008, section 124D.111, subdivision 1.

The bill was read for the first time and referred to the Committee on Finance.

Thissen, Rukavina, Bly, Obermueller, Atkins, Brynaert, Poppe, Slocum, Fritz, Gardner, Abeler and Murphy, E., introduced:

H. F. No. 785, A bill for an act relating to employment; appropriating money for a grant to a nonprofit organization to work on behalf of licensed vendors to coordinate responses to solicitations or other requests and to increase employment opportunities for persons with disabilities.

The bill was read for the first time and referred to the Committee on Finance.

Norton, Fritz, Hosch, Gottwalt, Rukavina, Falk, Morrow, Welti, Emmer, Faust, Olin, Haws, Gunther, Anzelc, Solberg, Urdahl, Masin, Murdock, Ruud, Otremba and Morgan introduced:

H. F. No. 786, A bill for an act relating to human services; prohibiting use of broker or coordinator to manage nonemergency medical transportation services; amending Minnesota Statutes 2008, section 256B.0625, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Loeffler and Kahn introduced:

H. F. No. 787, A bill for an act relating to capital improvements; appropriating money for Father Hennepin Regional Park in the city of Minneapolis; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Thissen, Carlson, Lanning, Lesch, Hosch, Brod, Kohls, Winkler, Slawik, Downey, Seifert and Gottwalt introduced:

H. F. No. 788, A bill for an act relating to taxation; providing an equity and opportunity in education tax credit; amending Minnesota Statutes 2008, section 290.01, subdivisions 19a, 19c; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Knuth introduced:

H. F. No. 789, A bill for an act relating to utilities; modifying provisions relating to deadline for rate determination by Public Utilities Commission; making clarifying correction; amending Minnesota Statutes 2008, section 216B.16, subdivisions 2, 7b.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Slawik introduced:

H. F. No. 790, A bill for an act relating to human services; requiring a comprehensive child welfare quality assurance system; proposing coding for new law in Minnesota Statutes, chapter 257.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Simon introduced:

H. F. No. 791, A bill for an act relating to taxation; sales and use; providing exemptions for construction purchases for St. Louis Park fire stations and municipal service center building; amending Minnesota Statutes 2008, sections 297A.71, by adding a subdivision; 297A.75, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Hilstrom, Cornish and Olin introduced:

H. F. No. 792, A bill for an act relating to crimes; including possession of machine guns and short-barreled shotguns to list of crimes against a person for registration under the Predatory Offender Registration Law; amending Minnesota Statutes 2008, section 243.167, subdivision 1.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Juhnke and Otremba introduced:

H. F. No. 793, A bill for an act relating to agriculture; updating terms of certain loan programs; abolishing the family farm security program; amending Minnesota Statutes 2008, sections 17.115, subdivision 2; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b; 41B.045, subdivision 2; repealing Minnesota Statutes 2008, sections 41.51; 41.52; 41.53; 41.55; 41.56; 41.57; 41.58; 41.59; 41.60; 41.61; 41.62; 41.63; 41.65.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Anderson, B., and Drazkowski introduced:

H. F. No. 794, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 2008, sections 2.021; 2.031, subdivision 1; repealing Minnesota Statutes 2008, section 2.031, subdivision 2.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Brynaert, Morrow and Cornish introduced:

H. F. No. 795, A bill for an act relating to education finance; authorizing a fund transfer for Independent School District No. 77, Mankato.

The bill was read for the first time and referred to the Committee on Finance.

Morrow; Kelliher; Simon; Murphy, E.; Ward; Hornstein; Bigham; Hausman and Kalin introduced:

H. F. No. 796, A bill for an act relating to capital investment; authorizing the sale of Minnesota First bonds; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Finance.

Emmer; Anderson, B.; Doty; Jackson; Kiffmeyer; Eastlund; Juhnke and Otremska introduced:

H. F. No. 797, A bill for an act relating to agriculture; clarifying that horses and other equines are livestock and raising them is an agricultural pursuit; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Hornstein introduced:

H. F. No. 798, A bill for an act relating to transportation; establishing Motor Vehicle Feebate Task Force and program; appropriating funds from gifts and grants; proposing coding for new law in Minnesota Statutes, chapter 168.

The bill was read for the first time and referred to the Committee on Finance.

Davnie, Mahoney, Carlson, Brod, Winkler and Kelliher introduced:

H. F. No. 799, A bill for an act relating to taxation; providing an income tax credit for qualified business ventures in Minnesota; amending Minnesota Statutes 2008, section 290.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Cornish introduced:

H. F. No. 800, A bill for an act relating to public safety; clarifying law on use of force in defense of home and person; codifying and extending Minnesota's self-defense and defense of home laws; eliminating the common law duty to retreat in cases of self defense outside the home; expanding the boundaries of dwelling; creating a presumption in the case of a person entering a dwelling or occupied vehicle by force; extending the rights available to a person in his or her dwelling to a person defending against entry of his or her occupied vehicle; amending Minnesota Statutes 2008, section 609.065.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Pelowski introduced:

H. F. No. 801, A bill for an act relating to state government; modifying laws regarding state reports and documents; amending Minnesota Statutes 2008, sections 3.195, subdivisions 1, 3; 3.302, subdivision 3; 6.72, subdivision 1; 11A.17, subdivision 11; 16A.27, subdivision 2; 214.07, subdivision 2.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Murphy, E., introduced:

H. F. No. 802, A bill for an act relating to human services; prohibiting hospital payment for certain hospital-acquired conditions and certain treatments; amending Minnesota Statutes 2008, section 256.969, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Slocum, Mahoney, Simon, Mullery, Rukavina and Atkins introduced:

H. F. No. 803, A bill for an act relating to integrity and fairness in medical examinations; regulating certain medical examinations; amending Minnesota Statutes 2008, sections 65B.56, subdivision 1; 176.136, subdivision 1c; 176.155, subdivision 1, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Thissen, Champion, Hilstrom, Mullery, Morrow and Jackson introduced:

H. F. No. 804, A bill for an act relating to probate; modifying provisions governing guardians and conservators; amending Minnesota Statutes 2008, sections 524.5-102, subdivision 7, by adding a subdivision; 524.5-304; 524.5-309; 524.5-310; 524.5-316; 524.5-317; 524.5-406; 524.5-409; 524.5-413; 524.5-414; 524.5-420; proposing coding for new law in Minnesota Statutes, chapter 524.

The bill was read for the first time and referred to the Committee on Civil Justice.

Nornes, Murdock and Westrom introduced:

H. F. No. 805, A bill for an act relating to taxation; job opportunity building zones; extending the allowance of tax benefits in certain circumstances; amending Minnesota Statutes 2008, section 469.312, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Buesgens introduced:

H. F. No. 806, A bill for an act relating to education; authorizing charter schools to lease or purchase district buildings; authorizing use of state money to purchase land and buildings; amending Minnesota Statutes 2008, sections 123B.51, subdivision 5; 124D.10, subdivision 17; 124D.11, subdivision 7.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Peppin introduced:

H. F. No. 807, A bill for an act relating to commerce; eliminating the prohibition on gasoline sales below cost; amending Minnesota Statutes 2008, section 325D.01, subdivision 5; repealing Minnesota Statutes 2008, sections 325D.01, subdivisions 11, 12; 325D.71.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Gardner, by request, introduced:

H. F. No. 808, A bill for an act relating to human services; intermediate care facility rate increase; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

Hornstein, Beard, Abeler, Davnie, Greiling and Clark introduced:

H. F. No. 809, A bill for an act relating to transportation; providing discount metropolitan transit passes to charitable organizations; requiring report; amending Minnesota Statutes 2008, section 473.408, by adding a subdivision; repealing Minnesota Statutes 2008, section 473.387, subdivision 3.

The bill was read for the first time and referred to the Committee on Finance.

Urdahl and Juhnke introduced:

H. F. No. 810, A bill for an act relating to transportation; requiring feasibility study of transit service in Little Crow transit way; amending Minnesota Statutes 2008, section 174.03, subdivision 1a.

The bill was read for the first time and referred to the Committee on Finance.

Davids, Mahoney and Atkins introduced:

H. F. No. 811, A bill for an act relating to insurance; increasing maximum dollar amounts on protection for policyholders of insolvent life and health insurance companies to provide greater comparability with limits of federal deposit insurance of bank accounts; amending Minnesota Statutes 2008, sections 61B.19, subdivisions 4, 6; 61B.28, subdivision 8.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Cornish introduced:

H. F. No. 812, A bill for an act relating to public safety; prohibiting local authorities from enforcing criminal provisions with administrative penalties; clarifying the application of the criminal and traffic offender surcharge; amending Minnesota Statutes 2008, sections 357.021, subdivision 6; 609.095.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Johnson, Anzelc, Mullery, Howes, Abeler, Bigham, Simon, Thao, Hayden, Davnie, Nelson, Knuth, Lillie, Bly, Champion, Fritz and Smith introduced:

H. F. No. 813, A bill for an act relating to labor and employment; regulating trucking industry classifications of employment; amending Minnesota Statutes 2008, section 268.035, subdivision 25b.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Urdahl and Smith introduced:

H. F. No. 814, A bill for an act relating to retirement; authorizing a bounce-back annuity when marriage dissolution decree revokes joint and survivor annuity form; amending Minnesota Statutes 2008, section 518.58, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapter 356.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Beard, Bly, Kohls, Brod and Morgan introduced:

H. F. No. 815, A bill for an act relating to capital improvements; appropriating money for the Scott County Regional Public Safety Training Center; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Lenczewski and Seifert introduced:

H. F. No. 816, A bill for an act relating to lobbyists; prohibiting former legislators, constitutional officers, agency heads, and certain legislative employees from lobbying for legislative or administrative action for one year after leaving office; proposing coding for new law in Minnesota Statutes, chapter 10A.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Kahn; Murphy, E.; Paymar; Reinert; Huntley; Loeffler and Davnie introduced:

H. F. No. 817, A bill for an act relating to elections; expanding requirements for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes; requiring enhanced access to voter registration records and records of returned absentee ballots on the World Wide Web; amending Minnesota Statutes 2008, sections 135A.17, subdivision 2; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 203B.08, subdivision 3.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Hilstrom, Thao, Kohls, Mullery, Holberg, Bigham, Haws, Nelson, Lesch, Thissen and Kelliher introduced:

H. F. No. 818, A bill for an act relating to vulnerable adults; authorizing disclosure of financial records in connection with financial exploitation investigations; modifying procedures and duties for reporting and investigating maltreatment; specifying duties of financial institutions in cases alleging financial exploitation; modifying the crime of financial exploitation; imposing criminal and civil penalties; amending Minnesota Statutes 2008, sections 13A.02, subdivision 1; 13A.04, subdivision 1; 256B.0595, subdivision 4b; 299A.61, subdivision 1; 388.23, subdivision 1; 609.2335; 609.52, subdivision 3; 611A.033; 626.557, subdivisions 4, 5, 9, 9b, 9e, by adding subdivisions; 626.5572, subdivisions 5, 21; 628.26.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Atkins, Zellers, Morrow, Johnson, Lillie, Falk and Slawik introduced:

H. F. No. 819, A bill for an act relating to commerce; prohibiting certain unfair Internet ticket sales by original sellers; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Hausman; Lesch; Murphy, M., and Sterner introduced:

H. F. No. 820, A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for the Como Zoo.

The bill was read for the first time and referred to the Committee on Finance.

Morrow, Brynaert, Gunther, Hamilton, Seifert, Cornish, Magnus and Poppe introduced:

H. F. No. 821, A bill for an act relating to economic development; appropriating money for the Rural Policy and Development Center.

The bill was read for the first time and referred to the Committee on Finance.

Lesch, Wagenius, Newton, Kahn, Falk, Atkins, Tillberry, Hilstrom, Norton, Solberg and Jackson introduced:

H. F. No. 822, A bill for an act relating to education; reforming financial and academic requirements for charter schools; providing for civil and criminal penalties; amending Minnesota Statutes 2008, sections 122A.25, subdivision 2; 124D.10, subdivisions 3, 4, 4a, 6, 6a, 11, 15, by adding a subdivision; 609.455.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Norton; Juhnke; Jackson; Severson; Huntley; Dean; Ruud; Fritz; Murphy, E.; Solberg; Thao; Davids; Peppin; Otremska; Slawik and Holberg introduced:

H. F. No. 823, A bill for an act relating to health; establishing licensure and practice limitations for dental therapist; establishing fees for dental therapist; amending Minnesota Statutes 2008, sections 150A.01, by adding a subdivision; 150A.05, subdivision 2, by adding a subdivision; 150A.06, subdivisions 2d, 5, 6, by adding a subdivision; 150A.08, subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 8, 10; 150A.10, subdivisions 1, 2, 3; 150A.11, subdivision 4; 150A.12; 151.01, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 150A; repealing Minnesota Statutes 2008, section 150A.061.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Davids introduced:

H. F. No. 824, A bill for an act relating to public safety; appropriating money for disaster preparedness and relief efforts.

The bill was read for the first time and referred to the Committee on Finance.

Murphy, M., introduced:

H. F. No. 825, A bill for an act relating to retirement; creating a voluntary statewide lump-sum volunteer firefighter retirement plan; making conforming changes; amending Minnesota Statutes 2008, sections 11A.17, subdivisions 1, 2; 69.011, subdivisions 1, 2, 4; 69.021, subdivisions 7, 9; 69.031, subdivisions 1, 5; 356.20, subdivision 2; 356.401, subdivision 3; 356.96, subdivision 1; 424A.10, subdivisions 1, 2, 3; proposing coding for new law as Minnesota Statutes, chapter 353G.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Murphy, E.; Ruud; Thissen and Abeler introduced:

H. F. No. 826, A bill for an act relating to human services; permitting non-Medicare home care agencies to provide alternative care services; eliminating the customized living rate cap; amending Minnesota Statutes 2008, sections 256B.0913, subdivision 5a; 256B.0915, subdivision 3e.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Hausman, Scalze, Johnson, Thao and McFarlane introduced:

H. F. No. 827, A bill for an act relating to capital investment; modifying distribution of sale proceeds when state bond financed property is sold; amending Minnesota Statutes 2008, section 16A.695, subdivision 3.

The bill was read for the first time and referred to the Committee on Finance.

Hansen introduced:

H. F. No. 828, A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for Robert Street corridor transitway in Dakota County.

The bill was read for the first time and referred to the Committee on Finance.

Mullery introduced:

H. F. No. 829, A bill for an act relating to public safety; increasing penalties for metal theft; amending Minnesota Statutes 2008, section 609.52, subdivision 3.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Hosch introduced:

H. F. No. 830, A bill for an act relating to taxation; property; expanding the definition of agricultural products in certain cases; amending Minnesota Statutes 2008, section 273.13, subdivision 23.

The bill was read for the first time and referred to the Committee on Taxes.

Hosch, Haws, Faust and Morrow introduced:

H. F. No. 831, A bill for an act relating to taxation; sales and use; expanding the exemption for materials used in township roads; amending Minnesota Statutes 2008, section 297A.70, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Lenczewski, Rosenthal and Slocum introduced:

H. F. No. 832, A bill for an act relating to gambling; prohibiting location of a state-operated or state-licensed gambling facility in Bloomington unless the voters of the city have approved the facility in a referendum.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

McFarlane, Lillie and Kalin introduced:

H. F. No. 833, A bill for an act relating to capital improvements; appropriating money for the Rush Line Corridor Transit Way; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Kohls, Downey, Gottwalt, Drazkowski and Lenczewski introduced:

H. F. No. 834, A bill for an act relating to state government; establishing a state employee suggestion system for making state government less costly or more efficient; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Dettmer introduced:

H. F. No. 835, A bill for an act relating to civil actions; regulating liability for livestock activities; amending Minnesota Statutes 2008, section 604A.12, subdivision 2.

The bill was read for the first time and referred to the Committee on Civil Justice.

Drazkowski introduced:

H. F. No. 836, A bill for an act relating to traffic regulations; amending speed limits on certain town roads; amending Minnesota Statutes 2008, section 169.14, subdivision 2.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Juhnke introduced:

H. F. No. 837, A bill for an act relating to taxation; property tax refunds; exempting from the definition of household income the amount of any military disability pay received by a veteran from the federal government; amending Minnesota Statutes 2008, section 290A.03, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Juhnke introduced:

H. F. No. 838, A bill for an act relating to agriculture; appropriating money for agricultural nutrient research.

The bill was read for the first time and referred to the Committee on Finance.

Juhnke introduced:

H. F. No. 839, A bill for an act relating to agriculture; providing funding for the Minnesota Veterinary Diagnostic Laboratory; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

Juhnke introduced:

H. F. No. 840, A resolution memorializing Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Juhnke introduced:

H. F. No. 841, A bill for an act relating to agriculture; eliminating the sunset of the farmer-lender mediation law; repealing Minnesota Statutes 2008, section 583.215.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Olin, Sailer, Lieder and Seifert introduced:

H. F. No. 842, A bill for an act relating to health; making technical changes for emergency medical services; amending Minnesota Statutes 2008, section 144E.101, subdivisions 6, 7.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Slocum, Brod, Swails, Dratzkowski, Kelly, Peppin, Greiling, Hamilton, McNamara, Bigham, Scott, Kiffmeyer, Murdock, Holberg, Tillberry, Marquart, Morgan, Downey, Kohls, Thissen, Champion, Zellers, Mack, Dettmer, Carlson, Smith, Gottwalt, Hosch, Atkins, Hayden, Severson, Eastlund and Bly introduced:

H. F. No. 843, A bill for an act relating to education; allowing charter school students to participate in the extracurricular activities of their resident district; amending Minnesota Statutes 2008, sections 123B.36, subdivision 1; 123B.49, subdivision 4; 124D.10, subdivision 8.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Brod, Kohls, Lenczewski, Simon and Thissen introduced:

H. F. No. 844, A bill for an act relating to taxation; modifying the permitted time to file certain claims for refunds; amending Minnesota Statutes 2008, sections 270C.56, subdivision 3; 289A.40, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Emmer, Dill and Rukavina introduced:

H. F. No. 845, A bill for an act relating to taxation; providing personal property tax exemption for biomass electrical generation facility; amending Minnesota Statutes 2008, section 272.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Lieder, Hausman, Hornstein, Solberg, Juhnke, Morrow, Urdahl, Magnus and Beard introduced:

H. F. No. 846, A bill for an act relating to capital improvements; appropriating money for rail service improvements; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Rukavina and Anzelc introduced:

H. F. No. 847, A bill for an act relating to capital improvements; appropriating money for extension of water and sanitary sewer to a proposed energy park; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Brynaert, Greiling and Hamilton introduced:

H. F. No. 848, A bill for an act relating to employment and economic development; funding employment support services for persons with mental illness; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

Haws, Gottwalt, Welti, Ward and Westrom introduced:

H. F. No. 849, A bill for an act relating to human services; modifying health care program renewal notice requirements; amending Minnesota Statutes 2008, section 256.962, subdivision 7.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Haws and Olin introduced:

H. F. No. 850, A bill for an act relating to taxation; allowing counties to exceed levy limits to cover costs of confining sex offenders subject to civil commitment proceedings; amending Minnesota Statutes 2008, section 275.70, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Haws, Gottwalt and Hosch introduced:

H. F. No. 851, A bill for an act relating to capital investment; authorizing the sale and issuance of state bonds; appropriating money to acquire land for the St. Cloud Regional Airport.

The bill was read for the first time and referred to the Committee on Finance.

Kahn and Loeffler introduced:

H. F. No. 852, A bill for an act relating to capital improvements; appropriating money for the Grand Rounds National Scenic Byway in the city of Minneapolis; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Demmer introduced:

H. F. No. 853, A bill for an act relating to highways; appropriating money for reconstructing marked Trunk Highway 14 between Dodge Center and Owatonna.

The bill was read for the first time and referred to the Committee on Finance.

Lesch introduced:

H. F. No. 854, A bill for an act relating to consumer protection; limiting customer liability for unauthorized use of lost or stolen cellular phones; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Hausman, Rukavina, Carlson and Scalze introduced:

H. F. No. 855, A bill for an act relating to capital improvements; appropriating money for asset preservation at the University of Minnesota and the Minnesota State Colleges and Universities; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Emmer, Brod, Kiffmeyer, Zellers, Gottwalt and Downey introduced:

H. F. No. 856, A bill for an act relating to human services; allowing medical assistance providers to repackage and reprice services; establishing a health opportunity account demonstration project for medical assistance enrollees; requiring the commissioner of human services to develop and seek federal approval for a medical assistance reform demonstration project; establishing a MinnesotaCare voucher demonstration project; requiring the commissioner of human services to develop proposals and a timetable for the reform and restructuring of state health care programs; amending Minnesota Statutes 2008, section 256B.0754, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 256B; 256L.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Emmer, Drazkowski, Zellers and Cornish introduced:

H. F. No. 857, A bill for an act relating to human services; requiring drug screening for MFIP eligibility; amending Minnesota Statutes 2008, section 256J.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Lenczewski introduced:

H. F. No. 858, A bill for an act relating to waters; providing for temporary drawdown of public waters; proposing coding for new law in Minnesota Statutes, chapter 103G.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Rukavina, Nornes and Bly introduced:

H. F. No. 859, A bill for an act relating to higher education; capital improvements; appropriating money for higher education asset preservation and replacement; authorizing the sale of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Rukavina, Nornes and Bly introduced:

H. F. No. 860, A bill for an act relating to higher education; eliminating requirement that meetings to nominate candidates for regent of the University of Minnesota be one week apart; amending Minnesota Statutes 2008, section 137.0246.

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division.

Rukavina, Nornes and Bly introduced:

H. F. No. 861, A bill for an act relating to higher education; regulating the regent nomination joint committee; amending Minnesota Statutes 2008, section 137.0246, subdivision 2.

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division.

Hilty introduced:

H. F. No. 862, A bill for an act relating to energy; requiring annual legislative report on adequacy of electric transmission infrastructure; proposing coding for new law in Minnesota Statutes, chapter 216C.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Hilty introduced:

H. F. No. 863, A bill for an act relating to energy; allowing carry forward of excess energy savings by power companies; requiring study of conservation improvement program; amending Minnesota Statutes 2008, section 216B.241, subdivision 1c.

The bill was read for the first time and referred to the Committee on Finance.

Hilty introduced:

H. F. No. 864, A bill for an act relating to energy; directing Legislative Energy Commission to analyze state energy standards for certain appliances.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Welti introduced:

H. F. No. 865, A bill for an act relating to natural resources; establishing a state trail; amending Minnesota Statutes 2008, section 85.015, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Hosch, Kelliher, Abeler, Sertich, Bigham, Davids, Gunther, Thao, Thissen, Anzelc, Urdahl, Huntley, Obermueller, Ward, Peterson and Tillberry introduced:

H. F. No. 866, A bill for an act relating to insurance; requiring school districts to obtain employee health coverage through the public employees insurance program; amending Minnesota Statutes 2008, sections 43A.316, subdivisions 9, 10, by adding subdivisions; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Davnie, Simon, Abeler, Davids, Thissen, Morgan, Slocum and Tillberry introduced:

H. F. No. 867, A bill for an act relating to insurance; regulating self-insurance pools providing health coverage to local government employees; amending Minnesota Statutes 2008, sections 123A.21, subdivisions 7, 9, 12; 471.617, subdivision 4.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Mahoney, Lanning and Marquart introduced:

H. F. No. 868, A bill for an act relating to economic development; expanding bioscience business development public infrastructure grant program; amending Minnesota Statutes 2008, section 116J.435, subdivisions 2, 3.

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division.

Rukavina, Nornes and Bly introduced:

H. F. No. 869, A bill for an act relating to higher education; providing for state membership in the Midwest Higher Education Compact; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

Reinert, Huntley, Dill and Murphy, M., introduced:

H. F. No. 870, A bill for an act relating to taxation; authorizing creation of a tax increment financing district by the Seaway Port Authority of Duluth that is exempt from the five-year rule.

The bill was read for the first time and referred to the Committee on Taxes.

Rukavina, Nornes and Bly introduced:

H. F. No. 871, A bill for an act relating to higher education; requiring the Minnesota Office of Higher Education to report on certain financial transactions.

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division.

Marquart, Lanning, Loeffler, Brod, Kelliher, Clark, Davids, Downey, Olin, Slocum, Nornes, Norton, Mahoney, Kalin, Hansen, Knuth, Brynaert, Morrow, Lieder, Doty, Scalze, Gardner, Davnie, Poppe, Sailer and Solberg introduced:

H. F. No. 872, A bill for an act relating to taxation; providing clarification for eligibility for property tax exemption for institutions of public charity; amending Minnesota Statutes 2008, section 272.02, subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Marquart, Pelowski, Kahn, Hansen, Olin and Tillberry introduced:

H. F. No. 873, A bill for an act relating to elections; authorizing certain persons who are 17 years old to vote in a primary; amending Minnesota Statutes 2008, section 201.014, by adding a subdivision.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Hortman, by request, Jackson and Holberg introduced:

H. F. No. 874, A bill for an act relating to government data practices; rejecting a statutory interpretation found in an advisory opinion issued by commissioner of administration in 2008.

The bill was read for the first time and referred to the Committee on Civil Justice.

Hortman, Newton, Dittrich and Ward introduced:

H. F. No. 875, A bill for an act relating to education finance; modifying the state requirement for pupil transportation for elementary pupils; authorizing a levy to pay for certain transportation costs; amending Minnesota Statutes 2008, sections 123B.88, subdivision 1; 123B.92, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Hortman and Morgan introduced:

H. F. No. 876, A bill for an act relating to education; establishing a public residential high school for science, technology, engineering, and mathematics; proposing coding for new law in Minnesota Statutes, chapter 124D.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Hortman; Murphy, E.; Poppe and Sailer introduced:

H. F. No. 877, A bill for an act relating to environment; establishing a grant program for idling reduction technology purchases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Hortman introduced:

H. F. No. 878, A bill for an act relating to transportation; adding provision governing relocation of highway centerline; modifying provisions relating to county state-aid highways and municipal state-aid streets; regulating placement of advertising devices; providing procedures for plats of lands abutting state rail bank property; amending Minnesota Statutes 2008, sections 161.16, by adding a subdivision; 162.06, subdivision 5; 162.07, subdivision 2; 162.09, subdivision 4; 162.12, subdivision 2; 162.13, subdivision 2; 173.02, by adding subdivisions; 173.16, subdivision 4; 505.03, subdivision 2.

The bill was read for the first time and referred to the Committee on Finance.

Dettmer introduced:

H. F. No. 879, A bill for an act relating to taxation; property; modifying definition of agricultural products; amending Minnesota Statutes 2008, section 273.13, subdivision 23.

The bill was read for the first time and referred to the Committee on Taxes.

Dettmer introduced:

H. F. No. 880, A bill for an act relating to waters; requiring watershed districts and watershed management organizations to submit information to counties; requiring county approval of levies and fees; amending Minnesota Statutes 2008, sections 103B.211, subdivision 1; 103B.231, subdivision 14; 103B.241, by adding a subdivision; 103D.351; 103D.911, subdivision 2; 103D.915, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Champion introduced:

H. F. No. 881, A bill for an act relating to elections; restoring the civil rights of an individual upon release from incarceration; requiring notice; amending Minnesota Statutes 2008, sections 201.014, subdivision 2, by adding a subdivision; 201.091, by adding a subdivision; 201.155; 203B.02, subdivision 1; 204C.08, subdivision 1a; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 243; 630; 631.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Champion, Hayden, Thao and Clark introduced:

H. F. No. 882, A bill for an act relating to civil liability; limiting admission of criminal history evidence in actions against private employers; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Civil Justice.

Champion, Hayden, Thao, Davnie, Clark, Paymar, Knuth, Persell, Mariani, Hornstein, Anzelc, Hortman and Hausman introduced:

H. F. No. 883, A bill for an act relating to public safety; requiring collection and analysis of race and other data during traffic stops by law enforcement; requiring reports; requiring improvement plans; requiring law enforcement business cards; appropriating money; amending Minnesota Statutes 2008, sections 13.871, subdivision 6; 626.9517, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Thissen introduced:

H. F. No. 884, A bill for an act relating to health; creating a medical supplies and equipment purchasing alliance; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Lenczewski introduced:

H. F. No. 885, A bill for an act relating to taxation; making policy, technical, administrative, and clarifying changes to various taxes and tax-related provisions; amending Minnesota Statutes 2008, sections 16D.16, subdivision 2; 126C.21, subdivision 4; 126C.48, subdivision 8; 270B.14, subdivision 16; 270C.446, subdivisions 2, 5; 270C.56, subdivision 1; 273.11, subdivision 23; 273.111, subdivision 4; 273.1115, subdivision 2; 273.113, subdivisions 1, 2; 273.1231, subdivision 8; 273.124, subdivisions 13, 21; 273.13, subdivisions 23, 25, 33; 273.33, subdivision 2; 273.37, subdivision 2; 274.13, subdivision 2; 274.135, subdivision 3; 274.14; 274.175; 275.70, subdivision 5; 275.71, subdivision 4; 282.01, subdivisions 1, 1a, 1c, 1d, 2, 3, 4, 7, 7a, by adding a subdivision; 287.04; 287.05, by adding a subdivision; 287.22; 287.2205; 287.25; 289A.08, subdivision 3; 289A.12, by adding a subdivision; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.38, subdivision 7; 289A.41; 289A.60, by adding a subdivision; 290.01, subdivision 19b; 290.0671, subdivision 1; 290A.10; 290A.14; 290C.06; 290C.07; 295.56; 295.57, subdivision 5; 296A.21, subdivision 1; 297A.70, subdivisions 2, 4; 297A.992, subdivision 2; 297A.993, subdivision 1; 297E.02, subdivision 4; 297E.06, by adding a subdivision; 297E.11, subdivision 1; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.30, by adding a subdivision; 297I.35, subdivision 2; 298.28, subdivisions 4, 11; 473.843, subdivision 3; 477A.011, subdivisions 34, 42; 477A.013, subdivision 8; repealing Minnesota Statutes 2008, sections 282.01, subdivisions 1b, 9, 10, 11; 287.26; 287.27, subdivision 1; 297A.67, subdivision 24; 298.28, subdivisions 11a, 13; Minnesota Rules, parts 8009.3000; 8115.0200; 8115.0300; 8115.0400; 8115.0500; 8115.0600; 8115.1000; 8115.1100; 8115.1200; 8115.1300; 8115.1400; 8115.1500; 8115.1600; 8115.1700; 8115.1800; 8115.1900; 8115.2000; 8115.2100; 8115.2200; 8115.2300; 8115.2400; 8115.2500; 8115.2600; 8115.2700; 8115.2800; 8115.2900; 8115.3000; 8115.4000; 8115.4100; 8115.4200; 8115.4300; 8115.4400; 8115.4500; 8115.4600; 8115.4700; 8115.4800; 8115.4900; 8115.5000; 8115.5100; 8115.5200; 8115.5300; 8115.5400; 8115.5500; 8115.5600; 8115.5700; 8115.5800; 8115.5900; 8115.6000; 8115.6100; 8115.6200; 8115.6300; 8115.6400; 8115.9900.

The bill was read for the first time and referred to the Committee on Taxes.

Solberg and Carlson introduced:

H. F. No. 886, A bill for an act relating to the state budget; exempting allocation of general fund balance at end of fiscal year 2009.

The bill was read for the first time and referred to the Committee on Ways and Means.

Lesch and Morrow introduced:

H. F. No. 887, A bill for an act relating to child support; requiring collection service fees to be paid by obligor; amending Minnesota Statutes 2008, section 518A.51.

The bill was read for the first time and referred to the Committee on Civil Justice.

Anderson, B.; Hackbarth; Slocum; Kiffmeyer; Rukavina and Severson introduced:

H. F. No. 888, A bill for an act relating to transportation; providing for funding of transportation infrastructure projects through the cooperation of state-chartered banks; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 161.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Haws, Gottwalt, Scalze, Doty, Westrom and Reinert introduced:

H. F. No. 889, A bill for an act relating to libraries; authorizing a county law library to be located outside of the courthouse; amending Minnesota Statutes 2008, section 134A.07.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Simon; Lesch; Murphy, E.; Swails; Thissen and Bigham introduced:

H. F. No. 890, A bill for an act relating to children; modifying and clarifying provisions governing parentage presumptions and right to custody; providing for prebirth parentage orders or judgments in certain cases; amending Minnesota Statutes 2008, sections 257.54; 257.541, subdivision 1; 257.55, subdivision 1; 257.57, subdivision 5.

The bill was read for the first time and referred to the Committee on Civil Justice.

Champion, Hayden, Thao, Jackson, Davnie, Clark and Persell introduced:

H. F. No. 891, A bill for an act relating to public safety; expanding and modifying the expungement law; authorizing courts to modify or suspend collateral sanctions under certain circumstances; limiting the situations in which a juvenile delinquency criminal record is publicly available; amending Minnesota Statutes 2008, sections 260B.171, subdivisions 4, 5; 609.135, by adding a subdivision; 609A.02, subdivisions 2, 3; 609A.03, subdivisions 2, 3, 4, 5, 5a, 7; proposing coding for new law in Minnesota Statutes, chapter 609A.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Hilstrom introduced:

H. F. No. 892, A bill for an act relating to public defense; providing for public defender representation for juveniles, children in need of protection, and other persons; amending Minnesota Statutes 2008, sections 260C.163, subdivision 3; 260C.331, subdivision 3; 611.14; 611.16; 611.18.

The bill was read for the first time and referred to the Committee on Civil Justice.

Kahn; Murphy, E.; Loeffler; Winkler; Thao; Hausman; Greiling; Mariani; Wagenius; Clark; Hornstein; Davnie; Lesch; Bly; Liebling; Laine; Slocum; Hilty; Hayden; Johnson; Ruud; Huntley; Paymar and Tillberry introduced:

H. F. No. 893, A bill for an act relating to marriage; providing for gender-neutral marriage laws; enacting the Marriage and Family Protection Act; amending Minnesota Statutes 2008, sections 363A.27; 517.01; 517.03, subdivision 1; 517.08, subdivision 1a; 517.09.

The bill was read for the first time and referred to the Committee on Civil Justice.

Atkins, Hilty, Tillberry, Hansen, Bigham, Davids, Morrow, Johnson, Lillie, Falk, Mahoney, Zellers, Slocum and Slawik introduced:

H. F. No. 894, A bill for an act relating to nuclear waste; requiring commissioner of commerce to collect and hold in escrow fees paid by Minnesota ratepayers for permanent repository for disposal of high-level radioactive waste; amending Laws 1997, chapter 201, section 1.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Eken, Greiling, Mariani, Slocum and Swails introduced:

H. F. No. 895, A bill for an act relating to education; creating a grant program to allow rural school districts to share services; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

Hortman, Dittrich, Ruud, Newton and Ward introduced:

H. F. No. 896, A bill for an act relating to education finance; defining a locally controlled process for establishing hazardous traffic condition pupil transportation zones; authorizing a levy for certain hazardous pupil transportation services; amending Minnesota Statutes 2008, section 123B.92, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Slocum, Simon and Urdahl introduced:

H. F. No. 897, A bill for an act relating to education; authorizing charter schools to lease district buildings; amending Minnesota Statutes 2008, section 124D.10, subdivision 17.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Hornstein, Liebling, Brynaert, Hansen, Nelson, Bigham and Ruud introduced:

H. F. No. 898, A bill for an act relating to environment; adding greenhouse gas reduction goals and strategies to various state and metropolitan programs and plans; establishing goals for per capita reduction in vehicle miles traveled to reduce greenhouse gases; appropriating money; amending Minnesota Statutes 2008, sections 103B.3355; 116D.04, by adding a subdivision; 123B.70, subdivision 1; 123B.71, subdivision 9; 473.121, by adding a subdivision; 473.145; 473.146, by adding a subdivision; 473.25; proposing coding for new law in Minnesota Statutes, chapters 116C; 174; 473.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Hausman, Champion and Hornstein introduced:

H. F. No. 899, A bill for an act relating to transportation; modifying transportation goals; providing for reduction of vehicle miles traveled and greenhouse gas emissions; amending Minnesota Statutes 2008, sections 174.01, subdivisions 1, 2; 174.02, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 174.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Juhnke, Masin, Hornstein, Eken, Hansen, Lillie, Atkins, Fritz, Clark, Urdahl and Abeler introduced:

H. F. No. 900, A bill for an act relating to pesticides; regulating application by railroads; amending Minnesota Statutes 2008, section 18B.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Emmer, Zellers and Cornish introduced:

H. F. No. 901, A bill for an act relating to genetic information; specifying how genetic information may be used; amending Minnesota Statutes 2008, section 13.386; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Emmer, Zellers and Cornish introduced:

H. F. No. 902, A bill for an act relating to genetic material; creating a property interest in human biological specimens and limiting the use of such specimens; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Mullery and Jackson introduced:

H. F. No. 903, A bill for an act relating to mortgages; modifying provisions relating to foreclosure consultants; amending Minnesota Statutes 2008, section 325N.01.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Juhnke introduced:

H. F. No. 904, A bill for an act relating to real estate appraisers; requiring prompt payment for appraisal reports; proposing coding for new law in Minnesota Statutes, chapter 82B.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Doty, Otremba, Koenen, Juhnke, Severson, Dettmer and Haws introduced:

H. F. No. 905, A bill for an act relating to the military; providing for acceptance of certain services by commissioner of military affairs; proposing coding for new law in Minnesota Statutes, chapter 190.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Hornstein, Greiling, Mariani, Ruud, Hayden, Mahoney, Morgan, Anzelc, Davnie, Hansen, Clark, Kelliher, Slocum, Loeffler, Slawik and Murphy, E., introduced:

H. F. No. 906, A bill for an act relating to education; creating a responsible family life and sexuality education program; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2008, section 121A.23.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Lillie introduced:

H. F. No. 907, A bill for an act relating to employment; regulating employee invention agreements; amending Minnesota Statutes 2008, section 181.78, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Urdahl, Atkins and Davids introduced:

H. F. No. 908, A bill for an act relating to unemployment insurance; providing for one year extensions of shared work plans; amending Minnesota Statutes 2008, section 268.135, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Kohls and Hoppe introduced:

H. F. No. 909, A bill for an act relating to human services; deleting the requirement that Carver County is required to repay for certain expenditures under the waivered service program for persons with developmental disabilities; appropriating money; amending Laws 2006, chapter 282, article 20, section 37, as amended.

The bill was read for the first time and referred to the Committee on Finance.

Hortman, Newton and Lanning introduced:

H. F. No. 910, A bill for an act relating to notaries public; modifying fees; regulating commissions and notarial stamps and seals; providing clarifications; providing for the accommodations of physical limitations; amending Minnesota Statutes 2008, sections 357.021, subdivision 2; 358.15; 358.47; 359.01, subdivisions 2, 3, 4; 359.02; 359.03, subdivisions 1, 3, 4; 359.061; 359.12; proposing coding for new law in Minnesota Statutes, chapters 357; 359; repealing Minnesota Statutes 2008, sections 357.17; 359.05.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Ward, Doty, Brown, Westrom and Swails introduced:

H. F. No. 911, A bill for an act relating to education; appropriating money for equity in telecommunications/Internet access.

The bill was read for the first time and referred to the Committee on Finance.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 119, 335, 47 and 307.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 119, A bill for an act relating to game and fish; providing support for the Lessard Outdoor Heritage Council; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

S. F. No. 335, A bill for an act relating to highways; designating the Speaker Irvin N. Anderson Memorial Highway; amending Minnesota Statutes 2008, section 161.14, subdivision 18, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

S. F. No. 47, A bill for an act relating to transit; removing restrictions on Dan Patch commuter rail line planning and development; repealing Laws 2002, chapter 393, section 85.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

S. F. No. 307, A bill for an act relating to local government; changing out-of-state travel policy requirements; amending Minnesota Statutes 2008, section 471.661.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

**REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION**

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for, Monday, February 16, 2009:

S. F. No. 49; H. F. No. 392; and S. F. No. 212.

CALENDAR FOR THE DAY

S. F. No. 212, A bill for an act relating to labor and industry; modifying boiler regulation; amending Minnesota Statutes 2008, section 326B.988.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hamilton	Kiffmeyer	McFarlane	Peterson
Anderson, P.	Dettmer	Hansen	Knuth	McNamara	Poppe
Anderson, S.	Dittrich	Hausman	Koenen	Morgan	Reinert
Anzlec	Doeple	Haws	Kohls	Morrow	Rosenthal
Atkins	Doty	Hayden	Laine	Mullery	Rukavina
Beard	Downey	Hilstrom	Lanning	Murdock	Ruud
Bigham	Drazkowski	Hilty	Lenczewski	Murphy, E.	Sailer
Bly	Eastlund	Hoppe	Lesch	Murphy, M.	Sanders
Brod	Eken	Hornstein	Liebling	Nelson	Scalze
Brown	Emmer	Hortman	Lieder	Newton	Scott
Brynaert	Falk	Hosch	Lillie	Nornes	Seifert
Buesgens	Faust	Howes	Loeffler	Norton	Sertich
Bunn	Fritz	Huntley	Loon	Obermueller	Severson
Carlson	Gardner	Jackson	Mack	Olin	Shimanski
Champion	Garofalo	Johnson	Magnus	Otremba	Simon
Clark	Gottwalt	Juhnke	Mahoney	Paymar	Slawik
Davids	Greiling	Kalin	Mariani	Pelowski	Slocum
Davnies	Gunther	Kath	Marquart	Peppin	Smith
Dean	Hackbarth	Kelly	Masin	Persell	Solberg

Sterner	Thissen	Urdahl	Westrom	Spk. Kelliher
Swails	Tillberry	Ward	Winkler	
Thao	Torkelson	Welti	Zellers	

Those who voted in the negative were:

Holberg

The bill was passed and its title agreed to.

S. F. No. 49 was reported to the House.

Eastlund, Nornes, Dettmer, Drakowski, Severson, Kelly, Shimanski, McNamara, Gottwalt, Kiffmeyer, Emmer, Murdock and Westrom moved to amend S. F. No. 49 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2008, section 273.111, subdivision 3, is amended to read:

Subd. 3. Requirements. (a) Real estate consisting of ten acres or more or a nursery or greenhouse, and qualifying for classification as class 2a or 2b under section 273.13, shall be entitled to valuation and tax deferment under this section if it is primarily devoted to agricultural use, and meets the requirements in subdivision 6, and either:

(1) is the homestead of the owner, or of a surviving spouse, child, or sibling of the owner or is real estate which is farmed with the real estate which contains the homestead property; or

(2) has been in possession of the applicant, the applicant's spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of this section, or is real estate which is farmed with the real estate which qualifies under this clause and is within four townships or cities or combination thereof from the qualifying real estate; or

(3) is the homestead of an individual who is part of an entity described in paragraph (b), clause (1), (2), or (3); or

(4) is in the possession of a nursery or greenhouse or an entity owned by a proprietor, partnership, or corporation which also owns the nursery or greenhouse operations on the parcel or parcels, provided that only the acres used to produce nursery stock qualify for treatment under this section.

(b) Valuation of real estate under this section is limited to parcels owned by individuals except for:

(1) a family farm entity or authorized farm entity regulated under section 500.24;

(2) a poultry entity other than a limited liability entity in which the majority of the members, partners, or shareholders are related and at least one of the members, partners, or shareholders either resides on the land or actively operates the land; and

(3) corporations that derive 80 percent or more of their gross receipts from the wholesale or retail sale of horticultural or nursery stock.

The terms in this paragraph have the meanings given in section 500.24, where applicable.

(c) Land that previously qualified for tax deferment under this section and no longer qualifies because it is not primarily used for agricultural purposes but would otherwise qualify under ~~Minnesota Statutes 2006, section 273.111, subdivision subdivisions 3 and 6~~, for a period of at least three years will not be required to make payment of the previously deferred taxes, notwithstanding the provisions of subdivision 9. Sale of the land prior to the expiration of the three-year period requires payment of deferred taxes as follows: sale in the year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of deferred taxes for the two prior years; sale during the second year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of the deferred taxes for the prior year; and sale during the third year the land no longer qualifies requires payment of the current year's deferred taxes. Deferred taxes shall be paid even if the land qualifies pursuant to subdivision 11a. When such property is sold or no longer qualifies under this paragraph, or at the end of the three-year period, whichever comes first, all deferred special assessments plus interest are payable in equal installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest are payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalties are not imposed on any such special assessments if timely paid.

(d) ~~Land that is enrolled in the reinvest in Minnesota program under sections 103F.501 to 103F.535, the federal Conservation Reserve Program as contained in Public Law 99-198, or a similar state or federal conservation program does not qualify for valuation and assessment deferral under this section. This paragraph applies to land that has not qualified under this section for taxes payable in 2009 or previous years.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2008, section 273.111, subdivision 4, is amended to read:

Subd. 4. **Determination of value.** (a) The value of any real estate described in subdivision 3 shall upon timely application by the owner, in the manner provided in subdivision 8, be determined solely with reference to its appropriate agricultural classification and value notwithstanding sections 272.03, subdivision 8, and 273.11. Furthermore, the assessor shall not consider any added values resulting from nonagricultural factors. In order to account for the presence of nonagricultural influences that may affect the value of agricultural land, the commissioner of revenue shall develop a fair and uniform method of determining agricultural values for each county in the state that are consistent with this subdivision. The commissioner shall annually assign the resulting values to each county, and these values shall be used as the basis for determining the agricultural value for all properties in the county qualifying for tax deferment under this section.

(b) ~~In the case of property qualifying for tax deferment only under subdivision 3a, the value shall be based on the value in effect for assessment year 2008, multiplied by the ratio of the total taxable market value of all property in the county for the current assessment year divided by the total taxable market value of all property in the county for assessment year 2008.~~

EFFECTIVE DATE. This section is effective for assessment year 2009 and thereafter.

Sec. 3. Minnesota Statutes 2008, section 273.111, subdivision 8, is amended to read:

Subd. 8. **Application.** Application for deferment of taxes and assessment under this section shall be filed by May 1 of the year prior to the year in which the taxes are payable. Any application filed hereunder and granted shall continue in effect for subsequent years until the property no longer qualifies. The application must be filed with the assessor of the taxing district in which the real property is located on the form prescribed by the commissioner of

revenue. The assessor may require proof by affidavit or otherwise that the property qualifies under subdivision subdivisions 3 and 6 and may require the applicant to provide a copy of the appropriate schedule or form showing farm income that is attested to by the applicant as having been included in the most recently filed federal income tax return of the applicant.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2008, section 273.111, subdivision 9, is amended to read:

Subd. 9. **Additional taxes.** When real property which is being, or has been valued and assessed under this section no longer qualifies under subdivision subdivisions 3 and 6, the portion no longer qualifying shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5. Provided, however, that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 5. Such additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on such additional taxes if timely paid, and provided further, that such additional taxes shall only be levied with respect to the last three years that the said property has been valued and assessed under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2008, section 273.111, subdivision 11, is amended to read:

Subd. 11. **Special local assessments.** The payment of special local assessments levied after June 1, 1967, for improvements made to any real property described in subdivision 3 together with the interest thereon shall, on timely application as provided in subdivision 8, be deferred as long as such property meets the conditions contained in subdivision subdivisions 3 or 3a and 6 or is transferred to an agricultural preserve under sections 473H.02 to 473H.17. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. When such property no longer qualifies under subdivision subdivisions 3 or 3a and 6, all deferred special assessments plus interest shall be payable in equal installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest shall be payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalty shall not be levied on any such special assessments if timely paid.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2008, section 273.111, subdivision 11a, is amended to read:

Subd. 11a. **Continuation of tax treatment upon sale.** (a) When real property qualifying under subdivision subdivisions 3 and 6 is sold, no additional taxes or deferred special assessments plus interest shall be extended against the property provided the property continues to qualify pursuant to subdivision subdivisions 3 and 6, and provided the new owner files an application for continued deferment within 30 days after the sale.

(b) For purposes of meeting the income requirements of subdivision 6, the property purchased shall be considered in conjunction with other qualifying property owned by the purchaser.

EFFECTIVE DATE. This section is effective the day following final enactment."

Page 2, delete section 2 and insert:

"Sec. 8. Laws 2008, chapter 366, article 6, section 52, is amended to read:

Sec. 52. REPEALER.

(a) Minnesota Statutes 2006, section 272.027, subdivision 3, is repealed.

(b) Minnesota Statutes 2006, section 273.11, subdivision 14, is repealed.

~~(c) Minnesota Statutes 2006, section 273.111, subdivision 6, is repealed.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 9. LAND REMOVED FROM PROGRAM.

Any land that had been enrolled in the Minnesota Agricultural Property Tax Law under Minnesota Statutes 2008, section 273.111, and that was removed from the program between May 21, 2008, and the effective date of this section, must be reinstated to the program at the request of the owner provided that the eligibility requirements under Minnesota Statutes 2008, section 273.111, subdivisions 3 and 6, are met.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 10. REVIVAL.

Pursuant to Minnesota Statutes, section 645.36, Minnesota Statutes, section 273.111, subdivision 6, is revived, effective the day following final enactment.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 11. REPEALER.

(a) Minnesota Statutes 2008, section 62U.071, is repealed.

(b) Minnesota Statutes 2008, section 275.76, is repealed.

(c) Minnesota Statutes 2008, section 273.111, subdivision 3a, is repealed.

EFFECTIVE DATE. Paragraph (a) is effective the day following final enactment. Paragraph (b) is effective retroactively from July 1, 2008. Paragraph (c) is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Eastlund et al amendment and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Kelly	Nornes	Swails
Anderson, P.	Dettmer	Gunther	Kiffmeyer	Norton	Thissen
Anderson, S.	Doeple	Hackbart	Kohls	Peppin	Torkelson
Beard	Doty	Hamilton	Lanning	Sanders	Urdahl
Bly	Downey	Haws	Loon	Scott	Westrom
Brod	Drazkowski	Holberg	Mack	Seifert	Zellers
Buesgens	Eastlund	Hoppe	Magnus	Severson	
Bunn	Emmer	Howes	McFarlane	Shimanski	
Davids	Faust	Jackson	McNamara	Smith	
Dean	Garofalo	Kalin	Murdock	Sterner	

Those who voted in the negative were:

Anzelc	Gardner	Kath	Masin	Persell	Solberg
Atkins	Greiling	Knuth	Morgan	Peterson	Thao
Bigham	Hansen	Koenen	Morrow	Poppe	Tillberry
Brown	Hausman	Laine	Mullery	Reinert	Wagenius
Brynaert	Hayden	Lenczewski	Murphy, E.	Rosenthal	Ward
Carlson	Hilstrom	Lesch	Murphy, M.	Rukavina	Welti
Champion	Hilty	Liebling	Nelson	Ruud	Winkler
Clark	Hornstein	Lieder	Newton	Sailer	Spk. Kelliher
Davnie	Hortman	Lillie	Obermueller	Scalze	
Dittrich	Hosch	Loeffler	Olin	Sertich	
Eken	Huntley	Mahoney	Otremba	Simon	
Falk	Johnson	Mariami	Paymar	Slawik	
Fritz	Juhnke	Marquart	Pelowski	Slocum	

The motion did not prevail and the amendment was not adopted.

S. F. No. 49, A bill for an act relating to taxation; income; creating a health insurance premium credit; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 2008, sections 62U.071; 275.76.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 77 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Bly	Champion	Falk	Hausman	Hornstein
Anderson, S.	Brod	Clark	Fritz	Haws	Hortman
Anzelc	Brynaert	Davnie	Gardner	Hayden	Hosch
Atkins	Bunn	Dittrich	Greiling	Hilstrom	Howes
Bigham	Carlson	Doty	Hansen	Hilty	Huntley

Jackson	Lenczewski	McNamara	Newton	Sailer	Thao
Johnson	Lesch	Morgan	Obermueller	Scalze	Thissen
Kalin	Lillie	Morrow	Paymar	Sertich	Tillberry
Kath	Loeffler	Mullery	Persell	Simon	Wagenius
Knuth	Mahoney	Murdock	Peterson	Slawik	Ward
Koenen	Mariani	Murphy, E.	Reinert	Slocum	Winkler
Laine	Marquart	Murphy, M.	Rosenthal	Solberg	Spk. Kelliher
Lanning	Masin	Nelson	Ruud	Swails	

Those who voted in the negative were:

Anderson, P.	Downey	Hackbarth	Lieder	Pelowski	Smith
Beard	Drazkowski	Hamilton	Loon	Peppin	Sterner
Brown	Eastlund	Holberg	Mack	Poppe	Torkelson
Buesgens	Eken	Hoppe	Magnus	Rukavina	Urdahl
Davids	Emmer	Juhnke	McFarlane	Sanders	Welti
Dean	Faust	Kelly	Nornes	Scott	Westrom
Demmer	Garofalo	Kiffmeyer	Norton	Seifert	Zellers
Dettmer	Gottwalt	Kohls	Olin	Severson	
Doepeke	Gunther	Liebling	Otremba	Shimanski	

The bill was passed and its title agreed to.

Sertich moved that the remaining bill on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Winkler moved that the name of Jackson be added as an author on H. F. No. 20. The motion prevailed.

Thissen moved that the name of Loeffler be added as an author on H. F. No. 108. The motion prevailed.

Solberg moved that the name of Davids be added as an author on H. F. No. 117. The motion prevailed.

Cornish moved that the name of Buesgens be added as an author on H. F. No. 132. The motion prevailed.

Thissen moved that the name of Gottwalt be added as an author on H. F. No. 247. The motion prevailed.

Ruud moved that the name of Kahn be added as an author on H. F. No. 293. The motion prevailed.

Loeffler moved that the name of Urdahl be added as an author on H. F. No. 295. The motion prevailed.

Hansen moved that the names of Atkins and Paymar be added as authors on H. F. No. 297. The motion prevailed.

Fritz moved that the name of Gottwalt be added as an author on H. F. No. 337. The motion prevailed.

Hausman moved that the names of Dill and Severson be added as authors on H. F. No. 343. The motion prevailed.

Norton moved that the names of Otremba and Wagenius be added as authors on H. F. No. 359. The motion prevailed.

Bunn moved that the name of Welti be added as an author on H. F. No. 413. The motion prevailed.

Hansen moved that the names of Hornstein, Mariani and Eken be added as authors on H. F. No. 424. The motion prevailed.

Lenczewski moved that the name of Loeffler be added as an author on H. F. No. 479. The motion prevailed.

Murphy, E., moved that the name of Kelliher be added as an author on H. F. No. 499. The motion prevailed.

Kahn moved that the name of Kelliher be added as an author on H. F. No. 504. The motion prevailed.

Simon moved that the name of Holberg be added as an author on H. F. No. 512. The motion prevailed.

Sailer moved that the name of Welti be added as an author on H. F. No. 529. The motion prevailed.

Swails moved that her name be stricken as an author on H. F. No. 538. The motion prevailed.

Murphy, E., moved that the name of Slocum be added as an author on H. F. No. 587. The motion prevailed.

Thissen moved that the name of Slocum be added as an author on H. F. No. 592. The motion prevailed.

Liebling moved that the name of Slocum be added as an author on H. F. No. 594. The motion prevailed.

Slawik moved that the name of Brynaert be added as an author on H. F. No. 601. The motion prevailed.

Peterson moved that the names of Slocum and Brynaert be added as authors on H. F. No. 610. The motion prevailed.

Kahn moved that the name of Swails be added as an author on H. F. No. 611. The motion prevailed.

Lesch moved that the name of Slocum be added as an author on H. F. No. 612. The motion prevailed.

Gardner moved that the name of Jackson be added as an author on H. F. No. 625. The motion prevailed.

Slocum moved that her name be stricken as an author on H. F. No. 628. The motion prevailed.

Rukavina moved that the name of Zellers be added as an author on H. F. No. 628. The motion prevailed.

Bly moved that the name of Lanning be added as an author on H. F. No. 669. The motion prevailed.

Peterson moved that the name of Welti be added as an author on H. F. No. 679. The motion prevailed.

Kalin moved that the name of McNamara be added as an author on H. F. No. 680. The motion prevailed.

Hayden moved that the name of Slocum be added as an author on H. F. No. 681. The motion prevailed.

Magnus moved that the name of Beard be added as an author on H. F. No. 682. The motion prevailed.

Lenczewski moved that the names of Peterson and Loeffler be added as authors on H. F. No. 686. The motion prevailed.

Knuth moved that the name of Kahn be added as an author on H. F. No. 689. The motion prevailed.

Hortman moved that the names of Paymar; Slocum; Winkler; Masin; Murphy, E.; Persell; Scalze; Obermueller and Kahn be added as authors on H. F. No. 690. The motion prevailed.

Rukavina moved that the name of Hansen be added as an author on H. F. No. 691. The motion prevailed.

Marquart moved that the name of Loeffler be added as an author on H. F. No. 694. The motion prevailed.

Smith moved that the name of Beard be added as an author on H. F. No. 697. The motion prevailed.

Demmer moved that the name of Beard be added as an author on H. F. No. 699. The motion prevailed.

Hosch moved that the name of Morrow be added as an author on H. F. No. 703. The motion prevailed.

Knuth moved that the names of Peterson and Kahn be added as authors on H. F. No. 704. The motion prevailed.

Loeffler moved that the names of Peterson and Kahn be added as authors on H. F. No. 705. The motion prevailed.

Hortman moved that the names of Cornish, Kahn and Kelliher be added as authors on H. F. No. 707. The motion prevailed.

Nelson moved that the name of Faust be added as an author on H. F. No. 709. The motion prevailed.

Newton moved that the name of Swails be added as an author on H. F. No. 715. The motion prevailed.

Hornstein moved that the name of Kahn be added as an author on H. F. No. 721. The motion prevailed.

Kahn moved that the names of Reinert and Peterson be added as authors on H. F. No. 725. The motion prevailed.

Mariani moved that the name of Peterson be added as an author on H. F. No. 740. The motion prevailed.

Kohls moved that the name of Beard be added as an author on H. F. No. 746. The motion prevailed.

Kohls moved that the names of Magnus, Hamilton, Torkelson, Shimanski and Anderson, P., be added as authors on H. F. No. 747. The motion prevailed.

Ward moved that the names of Morrow and Brynaert be added as authors on H. F. No. 760. The motion prevailed.

Downey moved that the name of Peterson be added as an author on H. F. No. 767. The motion prevailed.

Mariani moved that the name of Peterson be added as an author on H. F. No. 768. The motion prevailed.

Shimanski moved that the name of Kelly be added as an author on H. F. No. 770. The motion prevailed.

Knuth moved that the name of Kahn be added as an author on H. F. No. 774. The motion prevailed.

Dittrich moved that the name of Peterson be added as an author on H. F. No. 780. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 10:30 a.m., Thursday, February 19, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:30 a.m., Thursday, February 19, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

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[12TH DAY